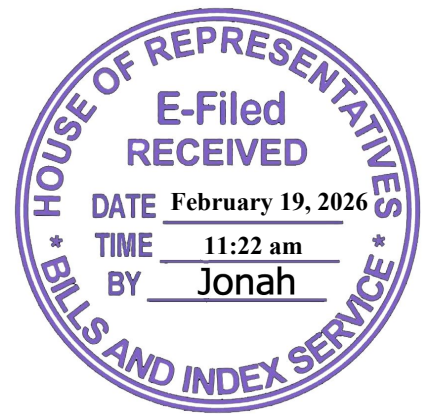


**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City**

**Twentieth Congress
First Regular Session**

House Bill No. 7901



**Introduced by Honorable Representatives
DADAH KIRAM ISMULA (Akbayan Partylist)
JOSE MANUEL TADEO "CHEL" I. DIOKNO (Akbayan Partylist)
PERCIVAL V. CENDAÑA (Akbayan Partylist)
KAKA BAG-AO (Dinagat Islands)**

AN ACT STRENGTHENING THE POLICIES ON ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN (OSAEC) AND CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (CSAEM), PROVIDING PENALTIES FOR ITS VIOLATIONS, APPROPRIATING FUNDS THEREFOR, AND REVISING FOR THE PURPOSE REPUBLIC ACT NO. 11930 ENTITLED "AN ACT PUNISHING ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN, PENALIZING THE PRODUCTION, DISTRIBUTION, POSSESSION AND ACCESS OF CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS"

EXPLANATORY NOTE

Children are the fundamental bearers of progress and growth of any society. In the Philippines, Article 15 Section 3(2) of the 1987 Philippine Constitution mandates that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development – ensuring the torch-bearers of our nation of the protection and security from any harm and danger. In line with this mandate, the Philippines has made significant strides in combating crimes against minors online, most notably through the enactment of 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 (CSAEM) Act.

The National Center for Missing and Exploited Children (NCMEC) reported that over 1.7 million internet-using children in the Philippines aged 12 to 17 had experienced OSAEC in 2024. While this is an evident and a significant decrease in the number of affected children since Republic Act No. 11930 was enacted, present gaps in the law must be addressed in order to further eliminate and combat OSAEC and CSAEM in our country.

Republic Act No. 11930 provided the legal framework to protect children from such dangers online. Indeed, RA 11930 is a landmark step in criminalizing and

penalizing such heinous offenses. However, crucial legal, operational, and enforcement gaps that are not able to conform to rapid societal evolution necessitate amendments to our laws that govern the Philippine society.

This proposed measure seeks to amend RA 11930 to expand its scope and introduce a whole-of-nation approach in combatting OSAEC and CSAEM. This measure provides the legal framework to combat the rising dangers of Artificial Intelligence (AI) and its utilization in exploiting and sexually abusing children online, addressing emerging digital threats, closes regulatory gaps, and safeguards children in an increasingly technology-driven environment.

Further, specific acts and offenses against children are also defined and classified by this amendment, ensuring that harmful conduct is no longer obscured by ambiguity but clearly identified, penalized, and addressed through a stronger framework of accountability and child protection.

By strengthening enforcement mechanisms, clarifying legal definitions, and integrating technology-responsive safeguards, this proposed measure aims to make the State's response to OSAEC and CSAEM more just, judicious, and forward-looking. It aligns domestic policy with evolving international standards, ensuring adaptability in an increasingly borderless digital environment. In doing so, it ushers in a proactive governmental approach to the escalating dangers faced by millions of Filipino children, while positioning the Philippines as a potential global benchmark in combating online child exploitation and abuse.

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



DADAH KIRAM ISMULA
Akbayan Representative



JOSE MANUEL TADEO
"CHEL" I. DIOKNO
Akbayan Representative



PERCIVAL V. CENDAÑA
Akbayan Representative



KAKA BAG-AO
Dinagat Islands Representative

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**AN ACT STRENGTHENING THE POLICIES ON ONLINE SEXUAL ABUSE OR
EXPLOITATION OF CHILDREN (OSAEC) AND CHILD SEXUAL ABUSE OR
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THE PURPOSE REPUBLIC ACT NO. 11930 ENTITLED "AN ACT PUNISHING
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THE PRODUCTION, DISTRIBUTION, POSSESSION AND ACCESS OF CHILD
SEXUAL ABUSE OR EXPLOITATION MATERIALS"**

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

1 **Section 1.** Section 1 of RA No. 11930 is hereby amended as follows:

2
3 "Section 1. Short Title. - This Act shall be known as the '**EXPANDED** Anti-
4 Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual
5 Abuse or Exploitation Materials (CSAEM) Act.'"

6
7 **Section 2.** Section 2 of RA No. 11930 is hereby amended as follows:

8
9 "Sec. 2. *Declaration of Policy.* — The State recognizes xxx:

10
11 (a) xxx

12
13 (b) xxx

(c) xxx

(d) **COMPLY AND ALIGN WITH INTERNATIONAL TREATIES AND CONVENTIONS CONCERNING CYBERCRIMES TO WHICH THE PHILIPPINES IS A SIGNATORY, INCLUDING, BUT NOT LIMITED TO, THE CONVENTION ON CYBERCRIME (BUDAPEST CONVENTION), UNITED NATIONS CONVENTION AGAINST CYBERCRIME AND THEIR APPLICABLE PROTOCOLS RECOGNIZING THAT OSAEC IS PRIMARILY A CYBERCRIME THAT TRANSCENDS BORDERS AND WHICH NECESSITATES TIMELY AND LAWFUL CROSS-BORDER COOPERATION AND SHARING OF INFORMATION;**

(e) Ensure the right of children to useful, meaningful and safe access to digital technologies that will provide knowledge and develop their understanding of civil, political, cultural, economic and social rights and help them achieve their potential to be empowered, responsible, law-abiding citizens, with the end in view of protecting them from any form of violence online **AND OFFLINE;**

(f) xxx

(g) **RECOGNIZE THAT ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN AND CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS ARE NOT ONLY VIOLATIONS OF CHILDREN'S RIGHTS BUT ALSO CONSTITUTE A SERIOUS THREAT TO NATIONAL SECURITY, SOCIAL COHESION, AND PUBLIC HEALTH, GIVEN THEIR LONG-TERM PSYCHOLOGICAL, EMOTIONAL, AND SOCIO-ECONOMIC IMPACT ON CHILDREN, FAMILIES, AND**

1 COMMUNITIES, AND THE TRANSNATIONAL, ORGANIZED, AND
2 RECURRING NATURE OF THESE OFFENSES;

3
4 (h) ENSURE THAT INTERNET INTERMEDIARIES, DEVICE
5 MANUFACTURERS, TECHNOLOGY PLATFORMS, PAYMENT SYSTEM
6 PROVIDERS, LEARNING INSTITUTIONS, AND OTHER COVERED
7 ENTITIES EXERCISE A HEIGHTENED DUTY OF CARE TOWARDS
8 CHILDREN BY ADOPTING CHILD-PROTECTION STANDARDS,
9 SAFETY-BY-DESIGN PRINCIPLES, AGE-APPROPRIATE
10 SAFEGUARDS, AND PROMPT MEASURES TO PREVENT, DETECT,
11 REPORT, AND DISRUPT OSAEC AND CSAEM, WHILE ENABLING
12 CHILDREN'S SAFE, MEANINGFUL, AND PRODUCTIVE USE OF
13 DIGITAL TECHNOLOGIES; AND

14
15 (i) INSTITUTIONALIZE A WHOLE-OF-GOVERNMENT AND WHOLE-OF-
16 SOCIETY RESPONSE THROUGH A PERMANENT NATIONAL
17 COORDINATION MECHANISM AGAINST OSAEC AND CSAEM,
18 ENSURING CLEAR ROLES, EFFECTIVE INFORMATION-SHARING,
19 JOINT OPERATIONS, AND DATA-INFORMED POLICYMAKING
20 AMONG NATIONAL GOVERNMENT AGENCIES, LOCAL
21 GOVERNMENT UNITS, LAW ENFORCEMENT, PROSECUTION
22 OFFICES, REGULATORS, CIVIL SOCIETY, THE PRIVATE SECTOR,
23 AND INTERNATIONAL PARTNERS."

24
25 **Section 3.** Section 3 of RA No. 11930 is hereby amended as follows:

26 "Sec. 3. *Definition of Terms.* — As used in this Act:

27
28 (A) Child refers to a person below eighteen (18) years of age, **OR THOSE**
29 **EIGHTEEN YEARS (18) OF AGE** or over, but are unable to fully take care
30 of themselves or protect themselves from abuse, neglect, cruelty,
31 exploitation, or discrimination because of physical, mental, intellectual, or
32 sensory disability or condition. For purposes of this Act, a child shall also

refer to:

(1) A person, regardless of age, who is presented, depicted, or portrayed as a child as defined herein; and

(2) **ANY COMPUTER-GENERATED, DIGITALLY OR MANUALLY CREATED, OR OTHERWISE SYNTHETIC IMAGE, REPRESENTATION, OR GRAPHIC WHICH DEPICTS, PURPORTS TO DEPICT, OR IS MADE TO APPEAR TO BE A CHILD, WHETHER REALISTIC, STYLIZED, OR CARICATURED, INCLUDING CONTENT CREATED, ENHANCED, OR SUBSTANTIALLY MODIFIED USING AUTOMATED TOOLS SUCH AS ARTIFICIAL INTELLIGENCE OR MACHINE-LEARNING SYSTEMS, INCLUDING SYNTHETIC MEDIA AND SO-CALLED 'DEEPFAKE' CONTENT, REGARDLESS OF WHETHER ANY REAL CHILD WAS INVOLVED IN ITS CREATION.**

(B) *Child sexual abuse xxx;*

(C) *Child sexual abuse or exploitation material (CSAEM)* refers to any, representation, whether offline, or by, through, or with the use of ICT, by means of visual, video, audio, written, data, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual **ACTIVITY AS DEFINED IN SECTION 3(CC) OF THIS ACT**; or that depicting acts of sexual abuse or exploitation of a child; or that focuses on the genitalia, **ANUS, BREASTS** or other private body parts of a child **FOR SEXUALIZATION, WHETHER OR NOT NUDITY IS COMPLETE**. For purposes of this Act, CSAEM may interchangeably be referred to as **CHILD SEXUAL ABUSE MATERIAL (CSAM)**;

FOR CLARITY, CSAEM INCLUDES MATERIAL THAT IS COMPUTER-

1 **GENERATED, DIGITALLY OR MANUALLY CRAFTED, ALTERED,**
2 **SYNTHESIZED, OR OTHERWISE TECHNOLOGY-DRIVEN, IN WHOLE**
3 **OR IN PART, DEPICTING A CHILD AS DEFINED IN SECTION 3(A)**
4 **OF THIS ACT, WHETHER OR NOT IT IS BASED ON THE IMAGE,**
5 **LIKENESS, OR DATA OF AN ACTUAL CHILD.**

6
7 (D) *Child sexual exploitation xxx*

8
9 (E) *Competent authority* refers to law enforcement **AGENCIES,**
10 **GOVERNMENT ENTITIES VESTED WITH AUTHORITY TO**
11 **INVESTIGATE OFFENSES, GOVERNMENT ENTITIES WITH**
12 **PROSECUTORIAL FUNCTIONS, COURTS,** REGULATORS, or the
13 National *COORDINATING COUNCIL* against OSAEC and CSAEM (NCC-
14 OSAEC-CSAEM) **SECRETARIAT;**

15
16 (F) *Computer xxx*

17
18 (G) *Computer data xxx*

19
20 (H) *Content data xxx*

21
22 (I) **DEVICE MANUFACTURER – REFERS TO ANY PERSON OR ENTITY**
23 **THAT DESIGNS OR ASSEMBLES CONSUMER ELECTRONIC DEVICES**
24 **SUCH AS MOBILE PHONES, TABLETS, LAPTOPS THAT ARE**
25 **CAMERA-ENABLED OR HAVE DIGITAL STORAGE IN THE**
26 **CAPABILITIES;**

27
28 (J) **FIRST-PERSON PRODUCED CSAEM (PREVIOUSLY CALLED SELF-**
29 **GENERATED CSAEM) REFERS TO ANY CSAEM THAT IS CREATED,**
30 **PRODUCED, CAPTURED, OR RECORDED WITH THE**
31 **PARTICIPATION OR APPARENT INITIATIVE OF A CHILD,**
32 **WHETHER MADE USING THE CHILD’S OWN DEVICE, ACCOUNT, OR**

1 ANY OTHER MEANS, INCLUDING WHERE SUCH PARTICIPATION
2 RESULTS FROM GROOMING, LURING, MANIPULATION,
3 COERCION, INTIMIDATION, DECEPTION, INDUCEMENT,
4 PERSUASION, ABUSE OF AUTHORITY, MISUSE OF ICT, OR SEXUAL
5 EXTORTION. THE USE OF THIS TERM DOES NOT IMPLY THAT THE
6 CHILD CONSENTED TO, OR IS RESPONSIBLE FOR, THE ABUSE OR
7 EXPLOITATION;
8

9 (K) *Grooming* refers to ANY DELIBERATE ACT, REPEATED ACT, SERIES
10 OF ACTS, OR ANY FORM OF COMMUNICATION, WHETHER DONE IN
11 PERSON OR THROUGH INFORMATION AND COMMUNICATIONS
12 TECHNOLOGY, DIRECTED AT A CHILD OR A SOMEONE WHO IS
13 BELIEVED TO BE A CHILD; OR THE CHILD'S PARENT, GUARDIAN,
14 OR CAREGIVER, AND INTENDED TO BUILD TRUST, GAIN ACCESS,
15 EXERT INFLUENCE, OR ESTABLISH CONTROL OVER THE CHILD
16 AND/OR SUCH PARENT, GUARDIAN, OR CAREGIVER FOR ANY OF
17 THE FOLLOWING PURPOSES, WHETHER OR NOT SUCH PURPOSE
18 IS EXPLICITLY STATED IN THE ACTS OR COMMUNICATIONS:
19

20 (1) PERPETRATING OR FACILITATING CHILD SEXUAL ABUSE
21 OR EXPLOITATION;
22

23 (2) PRODUCING, CREATING, DISSEMINATING, OR
24 TRANSMITTING ANY FORM OF CSAEM;
25

26 (3) NORMALIZING SEXUAL CONVERSATIONS, CONDUCT, OR
27 CONTENT INVOLVING OR DIRECTED AT THE CHILD, OR
28

29 (4) ARRANGING, ATTEMPTING TO ARRANGE, OR
30 FACILITATING IN-PERSON OR REAL-TIME CONTACT,
31 MEETINGS, OR ENCOUNTERS WITH THE CHILD, WHERE,
32 HAVING REGARD TO THE ACTS OR COMMUNICATIONS

1 AND THE CIRCUMSTANCES IN WHICH THEY OCCUR,
2 THERE IS REASONABLE CAUSE TO BELIEVE THAT SUCH
3 CONTACT IS INTENDED FOR ANY OF THE FOREGOING
4 PURPOSES.

5
6 FOR PURPOSES OF THIS ACT, GROOMING IS DEEMED
7 COMMITTED UPON THE PERFORMANCE OF ANY SUCH
8 ACT, EVEN IF NONE OF THE FOREGOING PURPOSES IS
9 ACHIEVED, NO SEXUAL ACTIVITY OCCURS, AND NO
10 SUBSEQUENT ABUSE OR EXPLOITATION TAKES PLACE.

11
12 (L) *Image-based sexual abuse OF A CHILD (ISA)* refers to a form of
13 technology-facilitated sexual violence **AGAINST A CHILD, WHETHER**
14 **COMMITTED AS A SINGLE ACT OR AS PART OF A PATTERN OF**
15 **CONDUCT, THAT INVOLVES the RECORDING, CAPTURING,** creation,
16 **USE, SHARING, TRANSMISSION, PUBLICATION, OR** distribution **OF,**
17 or threats to **SHARE, TRANSMIT,** distribute, **OR PUBLISH, ANY** nude or
18 sexual **TEXT, AUDIO, IMAGE, VISUAL REPRESENTATION, OR VIDEO**
19 **OF A CHILD AS DEFINED IN SECTION 3(A) OF THIS ACT.**

20
21 **ISA INCLUDES, BUT IS NOT LIMITED TO, SEXUAL EXTORTION AND**
22 the use of artificial intelligence, **MACHINE-LEARNING SYSTEMS, OR**
23 **OTHER TECHNOLOGIES TO PRODUCE,** construct, **MANIPULATE,**
24 **SYNTHESIZE, OR OTHERWISE GENERATE CSAEM, INCLUDING**
25 **DIGITALLY MANIPULATED, AI-GENERATED,** deepfake, **LIVE-**
26 **SYNTHETIC, OR OTHER SIMILAR TECHNOLOGY-DRIVEN CSAEM,**
27 **WHETHER OR NOT BASED ON THE IMAGE, LIKENESS, OR DATA OF**
28 **AN ACTUAL CHILD.**

29
30 (M) *Information and communications technology (ICT)* xxx

31
32 (N) *Internet address* xxx

1
2 (O) *Internet asset* **REFERS TO ANY IDENTIFIABLE DIGITAL RESOURCE**
3 **THAT IS ACCESSIBLE ON OR THROUGH THE INTERNET OR AN**
4 **INTERNET-CONNECTED NETWORK, INCLUDING, BUT NOT**
5 **LIMITED TO, AN INTERNET SITE, DOMAIN NAME, UNIFORM**
6 **RESOURCE LOCATOR (URL), INTERNET PROTOCOL (IP) ADDRESS**
7 **OR RANGE, SERVER, ACCOUNT, APPLICATION, PAGE, PROFILE,**
8 **CHANNEL, GROUP, LISTING, STORAGE LOCATION, OR DEVICE OR**
9 **NODE PARTICIPATING IN A PEER-TO-PEER OR OTHER**
10 **DISTRIBUTED NETWORK.**

11
12 **FOR PURPOSES OF THIS ACT, THE TERM COVERS ANY SUCH**
13 **INTERNET ASSET THAT IS USED, OR REASONABLY SUSPECTED OF**
14 **BEING USED, TO COMMIT, FACILITATE, OR TRANSMIT**
15 **VIOLATIONS OF THIS ACT.**

16
17 (P) *Internet café or kiosk* xxx

18
19 (Q) *Internet hotspot* xxx

20
21 (R) *Internet intermediaries* refer to **ANY NATURAL OR JURIDICAL PERSON**
22 **THAT PROVIDES INFRASTRUCTURE OR SERVICES WHICH ENABLE**
23 **USERS TO ACCESS, TRANSMIT, ROUTE, CACHE, HOST, STORE,**
24 **SHARE, DISSEMINATE, INDEX, SEARCH FOR, OR OTHERWISE**
25 **MAKE AVAILABLE THIRD-PARTY CONTENT, PRODUCTS,**
26 **SERVICES, OR APPLICATIONS ON OR THROUGH THE INTERNET.**

27
28 **THE TERM INCLUDES, AMONG OTHERS:**

- 29
30 (1) Internet service providers **AND OTHER INTERNET ACCESS**
31 **PROVIDERS;**
32

- 1 (2) Web hosting providers, including domain name registrars,
2 **CLOUD STORAGE AND FILE-SHARING SERVICES, AND**
3 **CONTENT-DELIVERY NETWORK (CDN) SERVICES;**
4
- 5 (3) Internet search engines and **WEB** portals;
6
- 7 (4) E-commerce intermediaries, **INCLUDING ONLINE**
8 **MARKETPLACES AND PLATFORMS THAT FACILITATE THE**
9 **OFFER, LISTING, OR SALE OF THIRD-PARTY GOODS OR**
10 **SERVICES;**
11
- 12 (5) Internet payment system providers and **OTHER ONLINE**
13 **PAYMENT INTERMEDIARIES THAT PROCESS OR ROUTE**
14 **PAYMENT INSTRUCTIONS RELATING TO THIRD-PARTY**
15 **TRANSACTIONS, WITHOUT PREJUDICE TO THEIR**
16 **CLASSIFICATION AND OBLIGATIONS AS PAYMENT**
17 **SYSTEM PROVIDERS (PSPs) UNDER THIS ACT;**
18
- 19 (6) Participative network platform providers, including social media
20 **AND OTHER CONTENT-SHARING PLATFORMS, VIDEO-**
21 **SHARING SERVICES, ONLINE FORUMS, RATING OR**
22 **REVIEW PLATFORMS, MESSAGING OR COMMUNITY**
23 **SERVICES THAT SUPPORT USER-GENERATED CONTENT,**
24 **AND ONLINE GAMES OR VIRTUAL WORLDS WITH USER-**
25 **GENERATED CONTENT OR COMMUNICATIONS BETWEEN**
26 **USERS;**
27
- 28 (7) **APPLICATION STORES AND DIGITAL APPLICATION**
29 **MARKETPLACES THROUGH WHICH USERS ACCESS OR**
30 **OBTAIN INTERNET-CONNECTED APPLICATIONS OR**
31 **SERVICES; AND**
32

1 (8) OTHER ENTITIES PERFORMING MATERIALLY SIMILAR
2 FUNCTIONS.

3
4 "INTERNET INTERMEDIARY" COVERS ANY NATURAL OR
5 JURIDICAL PERSON THAT DESIGNS, DEVELOPS, OPERATES,
6 CONTROLS, PROVIDES, OR MAKES SUCH SERVICES OR
7 FACILITIES AVAILABLE IN OR INTO THE PHILIPPINES,
8 WHETHER OR NOT IT HAS A PHYSICAL PRESENCE IN THE
9 COUNTRY.

10
11 (S) *Internet service provider (ISP)* xxx

12
13 (T) *Internet site* xxx

14
15 (U) *Luring* refers to the act of communicating, by means of a computer system,
16 with a child or someone who the offender believes to be a child for the
17 purpose of facilitating the commission of sexual activity or **THE** production,
18 **CREATION OR TRANSMISSION** of any form of CSAEM;

19
20 (V) *Online sexual abuse or exploitation of children (OSAEC)* refers to **ANY**
21 **CONDUCT IN WHICH IS USED AS AN INSTRUMENT, VENUE, OR**
22 **MEANS TO SEXUALLY ABUSE AND/OR EXPLOIT A CHILD. THIS CAN**
23 **ALSO INCLUDE CASES IN** which offline child **SEXUAL** abuse and/or
24 exploitation is combined with an **ICT COMPONENT**.

25
26 This can include, but is not limited to, **THE USE OF ICT AS AN**
27 **INSTRUMENT, VENUE, OR MEANS TO COMMIT THE FOLLOWING:**

28
29 (1) Production, **CREATION, PROCUREMENT, SOLICITATION,**
30 **DISTRIBUTION, ADVERTISING, SALE, OFFERING,**
31 **ACCESS, VIEWING, LIVESTREAMING, TRANSMITTING,**
32 **BROADCASTING, DISPLAYING, OR possession OF CSAEM;**

(2) Grooming **AND LURING OF A CHILD AS DEFINED IN SECTIONS 3(K) AND 3(U) OF THIS ACT;**

(3) **SEXUAL EXTORTION OF A CHILD AS DEFINED IN SECTION 3(E) OF THIS ACT;**

(4) **PANDERING AS DEFINED IN SECTION 3(W) OF THIS ACT;**

(5) **PROSTITUTION OF A CHILD; AND**

(6) **SEXUALIZATION OF A CHILD.**

(W) *Pandering xxx*

(X) *Participative network platform provider xxx*

(Y) Payment system provider (PSP) refers to **ANY NATURAL OR JURIDICAL PERSON THAT OWNS, OPERATES, MANAGES, OR PROVIDES A PAYMENT SYSTEM OR PAYMENT SERVICE, WHICH ENABLES THE TRANSFER, EXCHANGE, ACCEPTANCE, ACQUISITION, PROCESSING, STORAGE, OR SETTLEMENT OF MONETARY VALUE, WHETHER IN FIAT CURRENCY, CRYPTOCURRENCY, OR OTHER DIGITAL ASSET, CONDUCTED ONLINE OR OFFLINE, AND DOMESTIC OR CROSS-BORDER.**

THE TERM INCLUDES, WHETHER DIRECTLY OR THROUGH A TECHNOLOGICAL PLATFORM:

(1) **BANKS, NON-BANK FINANCIAL INSTITUTIONS (NBFI);**

(2) **ELECTRONIC MONEY ISSUERS (EMIS), DIGITAL MONEY**

**SERVICE BUSINESSES, E-WALLET OPERATORS,
REMITTANCE AND TRANSFER AGENTS;**

**(3) MERCHANT ACQUIRERS, PAYMENT GATEWAYS AND
PROCESSORS, CARD ISSUERS, CARD NETWORKS, AND
CLEARING OR SWITCH OPERATORS;**

**(4) OPERATORS OF PAYMENT SYSTEMS (OPS), AND VIRTUAL
ASSET SERVICE PROVIDERS (VASPS) WHEN
PERFORMING PAYMENT OR TRANSFER FUNCTIONS;**

**(1) ANY OTHER ENTITY THAT, BY THE NATURE OF ITS
ACTIVITIES, PERFORMS EQUIVALENT PAYMENT,
CLEARING, OR SETTLEMENT FUNCTIONS.**

**AN ENTITY THAT OFFERS, MARKETS, OR MAKES SUCH
PAYMENT SERVICES AVAILABLE IN OR INTO THE
PHILIPPINES, WHETHER OR NOT IT HAS A PHYSICAL
PRESENCE IN THE COUNTRY, SHALL BE DEEMED A PSP UNDER
THIS ACT.**

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

**(AA) *PROSTITUTION* REFERS TO ANY ACT, TRANSACTION, SCHEME
OR DESIGN INVOLVING THE USE OF A PERSON BY ANOTHER, FOR
SEXUAL INTERCOURSE OR LASCIVIOUS CONDUCT IN EXCHANGE
FOR MONEY, PROFIT, OR ANY OTHER CONSIDERATION.**

**(BB) *REGULATOR* REFERS TO ANY GOVERNMENT AGENCY, BODY,
DEPARTMENT, BUREAU, OFFICE, INSTRUMENTALITY,
COMMISSION, OR AUTHORITY EMPOWERED BY THIS ACT OR
OTHER RELEVANT LAW TO, REGULATE, ADMINISTER, OR**

1 **ADJUDICATE MATTERS AFFECTING SUBSTANTIAL RIGHTS AND**
2 **INTERESTS OF PRIVATE PERSONS AND ENTITIES COVERED BY**
3 **THIS ACT.**

4
5 (CC) *Sexual activity xxx*

6
7 (DD) *Sexualization of a child* refers to **ANY ACT, WHETHER COMMITTED**
8 **OFFLINE OR THROUGH ICT, BY WHICH A PERSON USES,**
9 **PORTRAYS, REPRESENTS, DIRECTS, OR CAUSES A CHILD TO BE**
10 **USED, PORTRAYED, OR REPRESENTED, IN A MANNER THAT A**
11 **REASONABLE PERSON, HAVING REGARD TO THE CONTEXT AND**
12 **CIRCUMSTANCES, WOULD REGARD AS PRIMARILY SEXUAL IN**
13 **NATURE, FOR THE SEXUAL AROUSAL, GRATIFICATION, OR**
14 **SEXUALIZED ENTERTAINMENT OF ANY PERSON,** even if there is no
15 **PHYSICAL CONTACT, ACTUAL SEXUAL INTERCOURSE, OR DISPLAY**
16 **OF NUDITY OR PRIVATE PARTS.**

17
18 **THIS DEFINITION DOES NOT INCLUDE LEGITIMATE MEDICAL,**
19 **EDUCATIONAL, THERAPEUTIC, OR LAW-ENFORCEMENT**
20 **ACTIVITIES THAT ARE REASONABLY NECESSARY,**
21 **PROPORTIONATE, AND CONDUCTED IN AN APPROPRIATE AND**
22 **PROFESSIONAL MANNER, AND NOT UNDERTAKEN FOR THE**
23 **SEXUAL AROUSAL, GRATIFICATION, OR SEXUALIZED**
24 **ENTERTAINMENT OF ANY PERSON.**

25
26 (EF) *SEXUAL EXTORTION* (PREVIOUSLY REFERRED TO AS
27 **"SEXTORTION") OF A CHILD** REFERS TO ANY ACT WHEREBY A
28 **PERSON, THROUGH DECEIT, GROOMING, MANIPULATION,**
29 **INDUCEMENT, ENTICEMENT, PERSUASION, SOLICITATION,**
30 **COERCION, INTIMIDATION, THREAT, ABUSE OF AUTHORITY,**
31 **MISUSE OF IMAGES OR PERSONAL DATA, OR MISUSE OF**
32 **INFORMATION AND COMMUNICATIONS TECHNOLOGIES,**

**KNOWINGLY DEMANDS, OBTAINS, OR ATTEMPTS TO DEMAND OR
OBTAIN FROM A CHILD OR ANY MEMBER OF THE CHILD'S FAMILY,
ANY OF THE FOLLOWING:**

**(1) ANY CHILD SEXUAL ABUSE OR EXPLOITATION MATERIAL
(CSAEM), INCLUDING SELF-GENERATED CSAEM BY THE
CHILD;**

**(2) THE PERFORMANCE BY THE CHILD OF ANY SEXUAL ACT
OR SEXUAL ACTIVITY WHETHER LIVE, STREAMED,
RECORDED, OR IN PERSON;**

(3) ANY MONETARY, PROPRIETARY, OR OTHER BENEFIT; OR

**(4) ANY OTHER ACT OF COMPLIANCE DEMANDED OR
IMPOSED BY THE OFFENDER,**

**BY THREATENING TO PRODUCE, CREATE, ALTER, SYNTHESIZE,
SHARE, TRANSMIT, PUBLISH, OR OTHERWISE DISSEMINATE
ANY NUDE OR SEXUAL TEXT, CONVERSATION, AUDIO, IMAGE,
VISUAL REPRESENTATION, VIDEO, LIVESTREAM, OR OTHER
CSAEM, WHETHER AUTHENTIC, ALTERED, OR WHOLLY
FABRICATED, INVOLVING OR PURPORTING TO INVOLVE A
CHILD AS DEFINED IN SECTION 3(A) OF THIS ACT, WHETHER
OR NOT SUCH MATERIAL IN FACT EXISTS AT THE TIME OF THE
THREAT.**

**FOR THE AVOIDANCE OF DOUBT, SEXUAL EXTORTION OF A
CHILD INCLUDES THREATS TO DISCLOSE OR DISSEMINATE
TECHNOLOGY-GENERATED CSAEM, INCLUDING DIGITALLY
MANIPULATED, AI-GENERATED, DEEPFAKE, OR LIVE-
SYNTHETIC CSAEM, BY WHATEVER NAME OR FORM IT MAY**

1 **HEREAFTER BE KNOWN, WHETHER OR NOT SUCH MATERIAL IS**
2 **BASED ON THE IMAGE, LIKENESS, OR DATA OF AN ACTUAL**
3 **CHILD.**

4
5 **SEXUAL EXTORTION OF A CHILD IS LIKEWISE COMMITTED**
6 **WHERE THE PERSON FROM WHOM ANY CSAEM, SEXUAL ACT,**
7 **MONETARY OR OTHER BENEFIT, OR ACT OF COMPLIANCE IS**
8 **DEMANDED IS ALREADY OF LEGAL AGE AT THE TIME OF THE**
9 **EXTORTION, IF THE CSAEM OR MATERIAL USED OR**
10 **THREATENED TO BE USED FOR SUCH EXTORTION WAS**
11 **PRODUCED, CREATED, OR OBTAINED WHEN SUCH PERSON**
12 **WAS A CHILD AS DEFINED IN SECTION 3(A) OF THIS ACT.**

13
14 **FOR PURPOSES OF THIS PROVISION, "FAMILY" REFERS TO THE**
15 **CHILD'S RELATIVES BY CONSANGUINITY OR AFFINITY UP TO**
16 **THE SECOND DEGREE.**

17
18 **(FF) SOLICIT REFERS TO ANY REQUEST, COMMAND, PERSUASION,**
19 **INDUCEMENT, ENTICEMENT, ENCOURAGEMENT, PROPOSAL, OR**
20 **ADVERTISEMENT FOR, OR OFFER OF ANY CONSIDERATION**
21 **(WHETHER MONETARY OR NON-MONETARY) TO ANOTHER**
22 **PERSON —DIRECTLY OR INDIRECTLY, PUBLICLY OR PRIVATELY,**
23 **IN PERSON OR THROUGH ANY MEANS OF ICT COMMUNICATION**
24 **OR TECHNOLOGY, INCLUDING TECHNOLOGY PLATFORMS**
25 **SOFTWARE USABLE OFFLINE—TO PERFORM AN ACT.**

26
27 **(GG) Streaming xxx**

28
29 **(HH) Subscriber's information or Registration information xxx**

30
31 **(II) SUPPLEMENTARY LEARNING AND YOUTH ACTIVITY CENTER**
32 **REFERS TO ANY PUBLIC OR PRIVATE ESTABLISHMENT, FACILITY,**

1 ORGANIZATION, OR PROGRAM THAT PROVIDES INSTRUCTIONAL,
2 RECREATIONAL, DEVELOPMENTAL, OR SKILLS-BASED ACTIVITIES
3 FOR CHILDREN OR YOUTH OUTSIDE THE FORMAL BASIC OR
4 HIGHER EDUCATION SYSTEM.

5
6 THIS INCLUDES, BUT IS NOT LIMITED TO, TUTORIAL OR REVIEW
7 CENTERS, ENRICHMENT OR LEARNING HUBS, SPORTS, ARTS, OR
8 MUSIC CLINICS, COMPUTER OR LANGUAGE CENTERS, SUMMER
9 CAMPS, AFTER-SCHOOL PROGRAMS, COMMUNITY YOUTH
10 CENTERS, LIBRARIES WITH LEARNING PROGRAMS, AND SIMILAR
11 VENUES WHERE MINORS PARTICIPATE IN SUPERVISED
12 ACTIVITIES EITHER PHYSICALLY OR ONLINE.

13
14 FOR PURPOSES OF THIS ACT, SUCH CENTERS ARE DEEMED CHILD-
15 RELATED INSTITUTIONS AND ARE SUBJECT TO THE CHILD
16 PROTECTION, REPORTING, AND PREVENTION OBLIGATIONS
17 PROVIDED HEREIN.

18
19 (JJ) *TECHNOLOGY PLATFORMS* REFER TO ANY SOFTWARE
20 APPLICATION, DIGITAL SERVICE, OR INTEGRATED HARDWARE–
21 SOFTWARE SYSTEM WHICH IS DESIGNED AND MADE AVAILABLE
22 TO USERS TO ENABLE THEM TO CREATE, GENERATE, CAPTURE,
23 EDIT, STORE, PROCESS, TRANSMIT, SHARE, PUBLISH,
24 DISTRIBUTE, RECOMMEND, ORGANIZE, OR OTHERWISE
25 INTERACT WITH DIGITAL CONTENT, COMMUNICATIONS, OR
26 DATA, WHETHER OPERATING ONLINE OR OFFLINE AND WHETHER
27 NETWORK-CONNECTED OR STAND-ALONE.

28
29 FOR PURPOSES OF THIS ACT, THE TERM INCLUDES, AMONG
30 OTHERS:

31
32 (1) OPERATING SYSTEMS AND DEVICE ENVIRONMENTS,

1 AND APPLICATION STORES OR DIGITAL MARKETPLACES
2 THROUGH WHICH USERS OBTAIN OR UPDATE
3 APPLICATIONS AND DIGITAL SERVICES;
4

5 (2) USER-FACING APPLICATIONS AND SERVICES THAT
6 SUPPORT USER-GENERATED CONTENT OR
7 COMMUNICATIONS, INCLUDING SOCIAL MEDIA AND
8 CONTENT-SHARING SERVICES, MESSAGING AND FILE-
9 TRANSFER APPLICATIONS, ONLINE FORUMS, AND
10 GAMES OR VIRTUAL WORLDS WITH USER-GENERATED
11 CONTENT OR COMMUNICATIONS BETWEEN USERS;
12

13 (3) CONTENT-GENERATION AND EDITING TOOLS,
14 INCLUDING IMAGE, AUDIO, AND VIDEO EDITING
15 SOFTWARE, GENERATIVE ARTIFICIAL INTELLIGENCE
16 (AI) MODELS AND SYSTEMS, AND OTHER TOOLS
17 CAPABLE OF PRODUCING OR MANIPULATING REALISTIC
18 VISUAL, AUDIO, OR TEXTUAL REPRESENTATIONS OF A
19 CHILD; AND
20

21 (4) CLOUD HOSTING SERVICES, CONTENT-DELIVERY
22 NETWORKS, AND SOFTWARE DEVELOPMENT KITS OR
23 APPLICATION PROGRAMMING INTERFACES
24 (SDKs/APIs) THAT PROVIDE MATERIALLY SIMILAR
25 FUNCTIONALITY TO THE FOREGOING OR EMBED SUCH
26 FUNCTIONALITY INTO THIRD-PARTY SERVICES.
27

28 IT COVERS ANY NATURAL OR JURIDICAL PERSON THAT
29 DESIGNS, DEVELOPS, OPERATES, CONTROLS, PROVIDES,
30 OR MAKES SUCH PLATFORM AVAILABLE IN OR INTO THE
31 PHILIPPINES, WHETHER OR NOT IT HAS A PHYSICAL
32 PRESENCE IN THE COUNTRY;

(KK) *Traffic data or non-content data xxx*

(LL) *Web hosting provider xxx*"

Section 4. Section 4 of RA No. 11930 is hereby amended as follows:

"Sec. 4. *Unlawful or Prohibited Acts.* — Regardless of the consent of the child, it shall be unlawful for any person to commit the following acts through online or offline means or a combination of both:

(a) To **SOLICIT**, hire, employ, use, persuade, induce, extort, engage, **MAINTAIN**, or coerce a child to perform or participate in **ANY MANNER** in the creation, production, **OR PERFORMANCE** of any form of CSAEM;

(b) xxx

(c) xxx

(d) To knowingly publish, transmit, **DISPLAY** and broadcast, by any means, any form of CSAEM;

(e) xxx

(f) xxx

(g) xxx

(h) xxx

(i) xxx

(j) xxx

(k) **TO OFFER, ADVERTISE, OR MAKE AVAILABLE ANY CHILD FOR PROSTITUTION TO ANOTHER PERSON BY, THROUGH, OR WITH THE USE OF ICT.**

THE CHILD BEING OFFERED FOR PROSTITUTION BY, THROUGH, OR WITH THE USE OF ICT SHALL BE CONSIDERED AS A VICTIM AND NOT AS AN OFFENDER.

1
2 THE CHILD VICTIM SHALL BE ACCORDED THE NECESSARY
3 TREATMENT AND SERVICES UNDER THIS ACT AND IN
4 EXISTING LAWS.

5
6 FOR PURPOSES OF THIS PARAGRAPH, THE OFFENSE IS
7 LIKEWISE COMMITTED WHERE THE PERSON REPRESENTED,
8 ADVERTISED, OR MADE AVAILABLE AS A CHILD IS IN FACT AN
9 ADULT OR WHERE NO ACTUAL CHILD EXISTS, PROVIDED THAT
10 THE OFFENDER REPRESENTS, PRESENTS, OR OTHERWISE
11 HOLDS OUT SUCH PERSON OR PURPORTED PERSON AS A
12 CHILD, AS DEFINED IN THIS ACT, FOR PURPOSES OF
13 PROSTITUTION.

14
15 PROVIDED, THAT NOTHING IN THIS PARAGRAPH SHALL
16 PREVENT THE APPLICATION OF THE NON-PUNISHMENT OR
17 NON-PENALIZATION PRINCIPLE IN FAVOR OF A PERSON WHO,
18 AT THE TIME OF THE ACT, IS A VICTIM OF TRAFFICKING IN
19 PERSONS OR OTHER FORMS OF EXPLOITATION, AS
20 RECOGNIZED UNDER APPLICABLE LAW, AND SUCH PERSON
21 MAY AVAIL OF THE APPROPRIATE RECOVERY,
22 REINTEGRATION, AND PROTECTION PROGRAMS AND
23 SERVICES UNDER APPLICABLE LAW AND ITS IMPLEMENTING
24 RULES AND REGULATIONS.

- 25
26 (l) TO PROCURE, SOLICIT, OR PAY FOR THE SEXUAL SERVICES OF
27 A CHILD WHO IS OFFERED, ADVERTISED, OR MADE AVAILABLE
28 FOR PROSTITUTION BY, THROUGH, OR WITH THE USE OF
29 INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT),
30 WHETHER OR NOT THE ACT OF SEXUAL EXPLOITATION IS
31 CONSUMMATED.
32

1 FOR PURPOSES OF THIS SECTION, THE OFFENSE IS
2 COMMITTED REGARDLESS OF THE CONSENT OR APPARENT
3 CONSENT OF THE CHILD OR OF ANY INTERMEDIARY, AND
4 WHETHER MONETARY OR NON-MONETARY CONSIDERATION,
5 FAVOR, OR BENEFIT IS GIVEN, PROMISED, OR RECEIVED IN
6 EXCHANGE FOR THE SEXUAL ACT OR THE OPPORTUNITY TO
7 COMMIT SUCH ACT.

8
9 THE OFFENSE UNDER THIS PARAGRAPH IS LIKEWISE
10 COMMITTED WHERE THE PERSON OFFERED, ADVERTISED, OR
11 MADE AVAILABLE AS A CHILD IS IN FACT A LAW ENFORCEMENT
12 OFFICER OR ANOTHER ADULT POSING AS A CHILD, OR WHERE
13 NO ACTUAL CHILD EXISTS, PROVIDED THAT THE OFFENDER
14 BELIEVES OR HAS REASON TO BELIEVE THAT A CHILD, AS
15 DEFINED IN THIS ACT, IS BEING OFFERED OR MADE
16 AVAILABLE FOR PROSTITUTION.

17
18 (m) TO SOLICIT OR ATTEMPT TO SOLICIT, AS DEFINED IN SECTION
19 3(FF), ANY PERSON — INCLUDING A LAW ENFORCEMENT
20 OFFICER POSING AS A CHILD OR AS A PARENT OR GUARDIAN
21 OF A CHILD — TO:

22
23 (1) CREATE, PRODUCE, OR OTHERWISE ENGAGE IN ANY
24 ACT OF PRODUCTION OF CSAEM-AS DEFINED IN THIS
25 ACT;

26
27 (2) DISSEMINATE, TRANSMIT, DISTRIBUTE, PUBLISH,
28 BROADCAST, SELL, OFFER FOR SALE, STREAM, OR
29 LIVESTREAM CSAEM; OR

30
31 (3) COMMIT ANY ACT OF OSAEC PUNISHABLE UNDER
32 THIS ACT.

1
2 THE OFFENSE UNDER THIS PARAGRAPH SHALL BE
3 CONSUMMATED BY THE ACT OF SOLICITATION OR ATTEMPTED
4 SOLICITATION, WHETHER MADE IN PERSON OR THROUGH
5 ANY MEANS OF INFORMATION AND COMMUNICATIONS
6 TECHNOLOGY, AND WHETHER OR NOT THE UNDERLYING
7 CSAEM OR OSAEC OFFENSE IS IN FACT CARRIED OUT OR
8 COMPLETED.

9 (n) TO COMMIT SEXUAL EXTORTION OF A CHILD AS DEFINED IN
10 SECTION 3(EF).

11 (o) xxx

12 (p) FOR ANY OWNER, LESSOR, OPERATOR, MANAGER, OR PERSON
13 WHO HAS CONTROL OVER ANY PLACE, BUILDING, STRUCTURE,
14 VEHICLE, OR OTHER VENUE, TO KNOWINGLY, INCLUDING
15 THROUGH WILLFUL BLINDNESS, OR BY GROSS NEGLIGENCE,
16 ALLOW, PERMIT, OR MAKE AVAILABLE SUCH VENUE FOR THE
17 COMMISSION OF ANY OF THE PROHIBITED ACTS UNDER THIS
18 SECTION, SUCH AS, BUT NOT LIMITED TO, DENS, PRIVATE
19 ROOMS, CUBICLES, CINEMAS, HOUSES, PRIVATE HOMES, OR
20 OTHER ESTABLISHMENTS;

21
22 FOR PURPOSES OF THIS PARAGRAPH, "GROSS NEGLIGENCE"
23 EXISTS WHERE SUCH PERSON, HAVING REASON TO SUSPECT
24 THAT VIOLATIONS OF THIS ACT ARE BEING COMMITTED OR
25 ARE LIKELY TO BE COMMITTED THEREIN, FAILS TO TAKE
26 REASONABLE MEASURES TO VERIFY, PREVENT, OR REPORT
27 SUCH USE.

28 (q) xxx

29 (r) TO ENGAGE IN THE SEXUALIZATION OF A CHILD AS DEFINED
30 IN SECTION 3(DD) OF THIS ACT;

31
32 (s) xxx

1 (t) To subscribe to, join, donate to, or support an internet site, **PLATFORM,**
2 **SERVICE, CHANNEL, GROUP, ACCOUNT, OR INDIVIDUAL FOR**
3 **THE PURPOSE OF OBTAINING ACCESS TO, ENABLING, OR**
4 **FUNDING OSAEC** or live-streaming of child sexual abuse and
5 exploitation, **OR TO ANY SITE, PLATFORM, SERVICE, CHANNEL,**
6 **GROUP OR INDIVIDUAL THAT THE PERSON KNOWS, OR**
7 **SHOULD HAVE REASONABLY KNOWN, IS PRIMARILY**
8 **DEDICATED TO HOSTING, OFFERING, MARKETING, OR**
9 **FACILITATING OSAEC OR CSAEM;**

10 (u) xxx

11 (v) xxx

12 (w) xxx; and

13 (x) xxx

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

19
20 **PROVIDED FURTHER, THAT WHEN FINANCIAL SUPPORT OR**
21 **COMPENSATION IN VIOLATION OF THIS ACT IS CHanneled**
22 **THROUGH A FINANCIAL ACCOUNT – WHETHER THROUGH**
23 **DIRECT PAYMENT, ELECTRONIC TRANSFER, OR THE USE OF A**
24 **THIRD-PARTY ACCOUNT (MONEY MULING) – IT SHALL BE**
25 **CONSIDERED A VIOLATION OF BOTH THIS ACT AND REPUBLIC**
26 **ACT 12010;**

27
28 **PROVIDED FINALLY, THAT NOTHING IN THIS SECTION SHALL**
29 **BE CONSTRUED TO PENALIZE ACTS LAWFULLY UNDERTAKEN**
30 **PURSUANT TO A COURT ORDER, LAWFUL LAW ENFORCEMENT**
31 **OPERATION OR INVESTIGATIONS, INVESTIGATIONS BY**
32 **OTHER AGENCIES AUTHORIZED TO ASSIST LAW**

1 **ENFORCEMENT, LEGISLATIVE HEARINGS, OR OTHER**
2 **AUTHORITY EXPRESSLY GRANTED BY LAW."**

3
4 **SECTION 5.** Section 8 of RA No. 11930 is hereby amended as follows:

5
6 "Sec. 8. *Safe Harbor Exception.* — Access, possession and recording of any
7 CSAEM **OR RECORDED INTERVIEW OF THE CHILD** for the purpose of
8 complying with the duties under this Act; reporting to government authorities;
9 legitimate investigation and administration of the criminal justice system; and
10 legitimate policy, scholarly and academic purposes with requisite ethical
11 clearance **FROM A REPUTABLE EDUCATIONAL INSTITUTION OR THE**
12 **NCC-OSAEC-CSAEM SECRETARIAT**, shall not be subject to any civil,
13 criminal, or administrative liability.

14
15 **ACCESS AND POSSESSION OF CSAEM SHALL ALSO NOT BE SUBJECT**
16 **TO CIVIL, CRIMINAL OR ADMINISTRATIVE LIABILITY IN CASE OF**
17 **PROVIDERS OF ELECTRONIC COMMUNICATION OR REMOTE**
18 **COMPUTING SERVICES FOR ACTIVITIES INVOLVING THE TRAINING**
19 **AND DEPLOYMENT OF ARTIFICIAL INTELLIGENCE OR MACHINE**
20 **LEARNING TECHNOLOGIES SPECIFICALLY INTENDED TO IDENTIFY,**
21 **FLAG AND SUPPRESS CHILD SEXUAL ABUSE MATERIAL, PROVIDED**
22 **THAT IN NO CASE SHALL CSAEM IMAGES OF LIVE CHILDREN BE USED**
23 **FOR THE PURPOSE DESCRIBED IN THIS PARAGRAPH."**

24
25 **Section 6.** Section 9 of RA No. 11930 is hereby amended as follows:

26 "Section 9. *Duties and Responsibilities of COVERED ENTITIES.* — **THE**
27 **FOLLOWING COVERED ENTITIES SHALL HAVE THE CORRESPONDING**
28 **DUTIES AND RESPONSIBILITIES TO PREVENT, DETECT, REPORT,**
29 **AND DISRUPT OSAEC AND CSAEM, WITHOUT PREJUDICE TO THEIR**
30 **OBLIGATIONS UNDER EXISTING LAWS AND REGULATIONS.**

31
32 **EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE DUTIES AND**

1 RESPONSIBILITIES UNDER THIS SECTION SHALL APPLY TO ALL
2 COVERED INTERNET INTERMEDIARIES, INTERNET SERVICE
3 PROVIDERS (ISPS), ONLINE TECHNOLOGY PLATFORMS, PAYMENT
4 SYSTEM PROVIDERS (PSPS), INTERNET HOTSPOTS, CAFÉS OR KIOSKS,
5 LEARNING INSTITUTIONS, AND SUPPLEMENTARY LEARNING AND
6 YOUTH ACTIVITY CENTERS, WHETHER PUBLIC OR PRIVATE,
7 INCLUDING THOSE OWNED, OPERATED, OR CONTROLLED BY THE
8 GOVERNMENT, GOVERNMENT-OWNED OR -CONTROLLED
9 CORPORATIONS (GOCCS), OR LOCAL GOVERNMENT UNITS (LGUS), TO
10 THE EXTENT THAT THEY PERFORM THE CORRESPONDING FUNCTIONS
11 DEFINED IN THIS ACT.

12
13 **(A) Duties of Internet Intermediaries AND ONLINE TECHNOLOGY**
14 **PLATFORMS -**

15
16 THE DUTIES UNDER THIS SUBSECTION SHALL APPLY TO
17 INTERNET INTERMEDIARIES AND TO TECHNOLOGY PLATFORMS
18 THAT PROVIDE ONLINE SERVICES TO THE PUBLIC AND HOST,
19 TRANSMIT, OR MEDIATE USER-GENERATED CONTENT OR
20 COMMUNICATIONS, INCLUDING, AS APPLICABLE, SOCIAL MEDIA
21 AND CONTENT-SHARING SERVICES, MESSAGING AND
22 COMMUNICATION SERVICES, ONLINE GAMES OR VIRTUAL
23 WORLDS WITH USER-GENERATED CONTENT OR
24 COMMUNICATIONS, CLOUD STORAGE AND FILE-SHARING
25 SERVICES, APPLICATION STORES AND DIGITAL MARKETPLACES,
26 AND SIMILAR ONLINE SERVICES.

27
28 FOR INTERNET SERVICE PROVIDERS (ISPS) THAT ONLY PROVIDE
29 NETWORK CONNECTIVITY AND DO NOT OPERATE USER-FACING
30 CONTENT OR APPLICATION SERVICES, THE DUTIES UNDER THIS
31 SUBSECTION SHALL BE DISCHARGED THROUGH NETWORK-
32 LAYER MEASURES WITHIN THEIR TECHNICAL ROLE, INCLUDING,

1 **AT A MINIMUM:**

- 2
- 3 **(1) THE PRESERVATION OF SUBSCRIBER AND TRAFFIC DATA**
- 4 **AND IP ADDRESS LOGS AS REQUIRED UNDER THIS ACT;**
- 5
- 6 **(2) MAINTAINING AND APPLYING UPDATED LISTS OF**
- 7 **INTERNET ADDRESSES, DOMAINS, OR OTHER INTERNET**
- 8 **ASSETS IDENTIFIED BY COMPETENT AUTHORITIES AS**
- 9 **HOSTING OR FACILITATING OSAEC OR CSAEM, FOR**
- 10 **PURPOSES OF BLOCKING OR RESTRICTING ACCESS; AND**
- 11
- 12 **(3) MONITORING FOR AND NOTIFYING COMPETENT**
- 13 **AUTHORITIES OF UNUSUAL TRAFFIC PATTERNS OR**
- 14 **SURGES REASONABLY INDICATIVE OF OSAEC OR CSAEM**
- 15 **ACTIVITY. THIS PARAGRAPH SHALL NOT BE CONSTRUED**
- 16 **TO REQUIRE SUCH ISPS TO MONITOR, EDIT, OR REMOVE**
- 17 **SPECIFIC CONTENT HOSTED ON THIRD-PARTY**
- 18 **WEBSITES, PLATFORMS, OR APPLICATIONS THAT THEY**
- 19 **DO NOT OPERATE OR CONTROL.**
- 20

21 **FOREIGN INTERNET INTERMEDIARIES AND ONLINE TECHNOLOGY**

22 **PLATFORMS COVERED BY THIS SUBSECTION SHALL, IN ADDITION**

23 **TO THE DUTIES HEREIN, COMPLY WITH SECTION 10 OF THIS ACT ON**

24 **THE DESIGNATED PHILIPPINE LEGAL REPRESENTATIVE.**

25

26 Internet intermediaries **AND ONLINE TECHNOLOGY PLATFORMS SHALL:**

27

- 28 **(1) TERM OF SERVICE PROHIBITIONS** - Adopt in their
- 29 terms of service or service agreements with third-party
- 30 users or creators of **CONTENT**, products, and services
- 31 the prohibition of any form of **OSAEC AND/OR CSAEM,**
- 32 **OR THE CONDUCT OF ANY OF THE PROHIBITED**

ACTS IN SECTION 4 OF THIS ACT in the use of their website, platform, server, facility, **OR INFRASTRUCTURE;**

(2) **PRESERVATION OF DATA** - Preserve within **ONE (1) YEAR** from the date of the transaction, extendible for another **ONE (1) YEAR** or during the pendency of the case, all subscriberS' or registration information and traffic data in its control and possession: *Provided,* That in the case of content data, the same shall be preserved within one (1) year, and upon notice by the competent authority, the preservation shall be extendible for another **ONE (1) YEAR**: *Provided,* however, That the competent authority shall expressly identify and specify such relevant evidence that needs preservation: *Provided,* further, That the integrity of all computer data such as subscriber's information, traffic data and content data relating to communication services provided by a service provider shall be protected for the purpose of investigation and prosecution of cases under this Act: *Provided,* finally, That the preservation period provided under the law governing foreign **ENTITIES** doing business in the Philippines **OR WHICH MAKES THEIR PLATFORMS OR SERVICES AVAILABLE IN OR INTO THE PHILIPPINES, WHETHER OR NOT IT HAS A PHYSICAL PRESENCE IN THE COUNTRY** or the period provided under this Act, whichever is longer, shall prevail;

(3) **BLOCKING, REMOVAL, OR TAKEDOWN.** – Immediately block access to, remove, or take down the internet address, uniform resource locator (URL), website, **ACCOUNT, APPLICATION,** or any content thereof

1 containing CSAEM or **THROUGH WHICH ANY FORM**
2 **OF OSAEC IS BEING CONDUCTED**, within twenty-four
3 (24) hours from:
4

5 (i) receipt of notice **CONTAINING SUFFICIENT**
6 **INFORMATION TO IDENTIFY THE CONTENT**
7 **AND ITS SOURCE FROM A COMPETENT**
8 **AUTHORITY OR FROM ANY PERSON OR**
9 **ENTITY; OR**
10

11 (ii) **UPON KNOWLEDGE OF THE INTERNET**
12 **INTERMEDIARY OR OF THE ONLINE**
13 **TECHNOLOGY PLATFORM OF THE**
14 **EXISTENCE OF ANY CSAEM CONTENT OR**
15 **OSAEC ACTIVITY BEING COMMITTED IN OR**
16 **THROUGH ITS PLATFORMS, SERVICES,**
17 **SERVERS, OR FACILITIES.**
18

19 *Provided*, That this period may be extended to another twenty-four (24)
20 hours upon submission of a written justification if the notice was made
21 without sufficient information to identify the content and its source;
22 **PROVIDED, FURTHER, THAT WHERE THE NOTICE CONTAINS**
23 **SUFFICIENT INFORMATION TO IDENTIFY THE CONTENT AND**
24 **ITS SOURCE, THE FAILURE TO BLOCK, REMOVE, OR TAKE**
25 **DOWN THE CSAEM OR THE OSAEC ACTIVITY WITHIN TWENTY-**
26 **FOUR (24) HOURS FROM RECEIPT OF SAID NOTICE SHALL**
27 **CONSTITUTE A VIOLATION OF THIS ACT.**
28

29 **PROVIDED, FINALLY, THAT** the period **ON PRESERVATION OF**
30 **SUBSCRIBERS' OR REGISTRATION INFORMATION, TRAFFIC**
31 **DATA, OR CONTENT DATA PROVIDED IN THE PRECEDING**

1 **PARAGRAPHS SHALL CONTINUE TO APPLY**
2 **NOTWITHSTANDING BLOCKING, REMOVAL, OR TAKEDOWN.**

3
4 **FOR INTERNET SERVICE PROVIDERS (ISPS) THAT ONLY**
5 **PROVIDE NETWORK CONNECTIVITY AND DO NOT OPERATE**
6 **USER-FACING CONTENT OR APPLICATION SERVICES, THE**
7 **DUTIES UNDER THIS SUBSECTION SHALL BE DISCHARGED**
8 **THROUGH NETWORK-LAYER MEASURES WITHIN THEIR**
9 **TECHNICAL ROLE, INCLUDING AT A MINIMUM: (A) THE**
10 **PRESERVATION OF SUBSCRIBER AND TRAFFIC DATA; (B) IP**
11 **ADDRESS LOGGING AS REQUIRED UNDER THIS ACT; AND (C)**
12 **THE BLOCKING OR DISABLING OF ACCESS TO IDENTIFIED**
13 **INTERNET ADDRESSES, DOMAINS, OR URLS CONTAINING**
14 **CSAEM OR USED FOR OSAEC. THIS SHALL NOT BE CONSTRUED**
15 **TO REQUIRE SUCH ISPS TO MONITOR, EDIT, OR REMOVE**
16 **SPECIFIC CONTENT HOSTED ON THIRD-PARTY WEBSITES,**
17 **PLATFORMS, OR APPLICATIONS THAT THEY DO NOT OPERATE**
18 **OR CONTROL.**

19
20 **THESE MINIMUM DUTIES SHALL BE IMMEDIATELY**
21 **APPLICABLE AND ENFORCEABLE UPON THE EFFECTIVITY OF**
22 **THIS ACT, REGARDLESS OF THE ISSUANCE OF THE**
23 **IMPLEMENTING RULES AND REGULATIONS (IRR) PURSUANT**
24 **TO PARAGRAPH (15) OF THIS SUBSECTION. THE IRR SHALL**
25 **FURTHER SPECIFY THE TECHNICAL PARAMETERS,**
26 **THRESHOLDS, AND ADDITIONAL STANDARDS FOR SUCH**
27 **NETWORK-LAYER MEASURES, IN A RISK-BASED AND**
28 **PROPORTIONATE MANNER.**

29
30 **(4) REPORTING OF BLOCKED OR REMOVED CONTENT.**

31 – Report to the DOJ-OOC, **AS THE CENTRAL**
32 **AUTHORITY UNDER REPUBLIC ACT NO. 10175,**

1 within three (3) days, the internet addresses, URLs,
2 websites, ACCOUNTS, or CONTENT blocked, removed or
3 taken down **IN ACCORDANCE WITH THIS**
4 **PROVISION, SPECIFYING THAT THE BASIS FOR**
5 **SUCH ACTION IS OSAEC AND/OR CSAEM UNDER**
6 **THIS ACT.**

7
8 In cases when a foreign internet intermediary **OR ONLINE TECHNOLOGY**
9 **PLATFORM** is, **BY VIRTUE OF ITS DOMESTIC LAWS OR BINDING**
10 **GOVERNMENT POLICY, PROHIBITED TO SHARE DATA DIRECTLY**
11 **WITH PHILIPPINE AUTHORITIES, SUCH INTERMEDIARY OR**
12 **PLATFORM SHALL BE DEEMED TO HAVE COMPLIED WITH ITS**
13 **REPORTING OBLIGATION UNDER THIS PARAGRAPH IF:**

14
15 (i) **IT FILES THE CORRESPONDING REPORT**
16 **WITH THE AUTHORITY OR BODY**
17 **DESIGNATED IN ITS JURISDICTION TO**
18 **RECEIVE CYBERCRIME OR CHILD-**
19 **PROTECTION REPORTS, AND SUCH**
20 **AUTHORITY OR BODY IS MANDATED OR**
21 **EXPECTED UNDER THOSE FRAMEWORKS TO**
22 **TRANSMIT THE REPORT OR ITS SUBSTANCE**
23 **TO THE DOJ-OOC OR TO THE GOVERNMENT**
24 **OF THE REPUBLIC OF THE PHILIPPINES;**
25 **AND**

26
27 (ii) **IT NOTIFIED THE DOJ-OOC, WITHIN A**
28 **REASONABLE PERIOD THE AUTHORITY OR**
29 **BODY TO WHICH IT WAS SUBMITTED, AND**
30 **ANY AVAILABLE REFERENCE NUMBER OR**
31 **IDENTIFIER.**
32

1 IN ALL CASES, ANY DATA, INFORMATION, OR EVIDENCE THAT IS NOT
2 PROHIBITED BY THE FOREIGN JURISDICTION'S LAWS OR POLICIES
3 FROM BEING DISCLOSED DIRECTLY TO PHILIPPINE AUTHORITIES
4 SHALL NEVERTHELESS BE REPORTED OR MADE AVAILABLE BY THE
5 FOREIGN INTERNET INTERMEDIARY OR ONLINE TECHNOLOGY
6 PLATFORM TO THE DOJ-OOC IN ACCORDANCE WITH THIS ACT.

7
8 THE DOJ-OOC SHALL, WITHIN TWENTY-FOUR (24) HOURS FROM
9 RECEIPT AND IN A MANNER CONSISTENT WITH APPLICABLE
10 CONFIDENTIALITY AND DATA-PRIVACY RULES, TRANSMIT TO AND
11 SHARE WITH THE NCC-OSAEC-CSAEM SECRETARIAT ALL REPORTS
12 AND INFORMATION IT RECEIVES UNDER THIS PARAGRAPH THAT
13 RELATE TO OSAEC AND/OR CSAEM, FOR PURPOSES OF
14 COORDINATION, MONITORING OF COMPLIANCE, AND POLICY
15 FORMULATION UNDER THIS ACT.

16
17 (5) SYSTEMS, DESIGNS, AND PROCEDURES. –
18 DEVELOP, IMPLEMENT, AND MAINTAIN
19 APPROPRIATE TECHNICAL AND
20 ORGANIZATIONAL SYSTEMS, DESIGNS, AND
21 PROCEDURES FOR PREVENTING, DETECTING,
22 BLOCKING, RESTRICTING, AND REPORTING
23 OSAEC AND CSAEM COMMITTED OR ATTEMPTED
24 WITHIN THEIR PLATFORMS, SERVICES, SERVERS,
25 OR FACILITIES, INCLUDING PUBLIC-FACING
26 CONTENT AND PRIVATE OR GROUP MESSAGING,
27 LIVE-STREAMING, FILE-SHARING, AND OTHER
28 COMMUNICATION CHANNELS MADE AVAILABLE
29 TO USERS.

30
31 SUCH SYSTEMS, DESIGNS, AND PROCEDURES MAY INCLUDE,
32 AS APPROPRIATE, THE USE OF AUTOMATED TOOLS,

1 INCLUDING HASH-MATCHING, DIGITAL FINGERPRINTING,
2 PATTERN-RECOGNITION, OR OTHER ALGORITHMIC OR AI-
3 BASED CLASSIFIERS, DESIGNED TO IDENTIFY KNOWN OR
4 SUSPECTED OSAEC OR CSAEM OR RELATED HIGH-RISK
5 ACTIVITY WITHOUT REQUIRING GENERALIZED HUMAN
6 REVIEW OF ALL USER COMMUNICATIONS.

7
8 DEVICE MANUFACTURERS, TECHNOLOGY PLATFORMS,
9 DEVELOPERS FOR DEVICE ENVIRONMENTS MUST PRODUCE
10 BUILT-IN, TAMPER-PROOF TECHNICAL MEASURES TO DETECT
11 AND BLOCK THE CREATION OR RECORDING OF NEW CSAEM.

12
13 THESE MEASURES SHALL, AT A MINIMUM, MEET THE BASELINE
14 STANDARDS TO BE PRESCRIBED IN THE IMPLEMENTING
15 RULES AND REGULATIONS OF THIS ACT, SHALL BE LIMITED TO
16 WHAT IS REASONABLY NECESSARY TO DETECT, BLOCK, AND
17 REPORT OSAEC AND CSAEM, AND SHALL AT ALL TIMES COMPLY
18 WITH REPUBLIC ACT NO. 10173 OR THE "DATA PRIVACY ACT
19 OF 2012" AND OTHER APPLICABLE CONFIDENTIALITY AND
20 DATA-PROTECTION LAWS, INCLUDING THE PRINCIPLES OF
21 NECESSITY, PROPORTIONALITY, AND DATA MINIMIZATION.

22
23 NO COVERED ENTITY MAY REFUSE OR FAIL TO ADOPT SUCH
24 MEASURES SOLELY ON THE GROUND THAT OSAEC OR CSAEM
25 OCCURS THROUGH PRIVATE OR DIRECT MESSAGING, GROUP
26 CHATS, OR OTHER NON-PUBLIC FEATURES OF ITS SERVICE.
27 PROVIDED, THAT ANY TECHNICAL MEASURES APPLIED TO
28 SUCH CHANNELS SHALL BE DESIGNED AND IMPLEMENTED IN
29 A PRIVACY-PROTECTIVE MANNER AND SHALL NOT IMPOSE
30 GENERALIZED OR INDISCRIMINATE MONITORING BEYOND
31 WHAT IS REASONABLY REQUIRED FOR THE DETECTION,
32 BLOCKING, AND REPORTING OF OSAEC AND CSAEM IN

1 **ACCORDANCE WITH THIS ACT AND ITS IMPLEMENTING RULES**
2 **AND REGULATIONS.**

3
4 **FOR INTERNET SERVICE PROVIDERS (ISPS) THAT ONLY**
5 **PROVIDE NETWORK CONNECTIVITY AND DO NOT OPERATE**
6 **USER-FACING CONTENT OR APPLICATION SERVICES,**
7 **COMPLIANCE WITH THIS PARAGRAPH SHALL RELATE TO**
8 **NETWORK-LAYER SYSTEMS, DESIGNS, AND PROCEDURES**
9 **WITHIN THEIR TECHNICAL CONTROL, INCLUDING, AT A**
10 **MINIMUM: (A) MAINTAINING AND APPLYING UPDATED LISTS**
11 **OF INTERNET ADDRESSES, DOMAINS, OR OTHER INTERNET**
12 **ASSETS IDENTIFIED BY COMPETENT AUTHORITIES AS**
13 **HOSTING OR FACILITATING OSAEC OR CSAEM, FOR PURPOSES**
14 **OF BLOCKING OR RESTRICTING ACCESS; (B) PRESERVING**
15 **SUBSCRIBER AND TRAFFIC DATA AND IP ADDRESS LOGS AS**
16 **REQUIRED UNDER THIS ACT; AND (C) MONITORING FOR AND**
17 **NOTIFYING COMPETENT AUTHORITIES OF UNUSUAL TRAFFIC**
18 **PATTERNS OR SURGES REASONABLY INDICATIVE OF OSAEC**
19 **OR CSAEM ACTIVITY.**

20
21 **(6) NOTIFICATION TO LAW ENFORCEMENT OR**
22 **COMPETENT AUTHORITY. – NOTIFY THE DOJ-**
23 **OOO, THE NCC-OSAEC-CSAEM SECRETARIAT, OR**
24 **ANY OTHER COMPETENT LAW-ENFORCEMENT**
25 **AGENCY DESIGNATED IN THE IMPLEMENTING**
26 **RULES AND REGULATIONS, WITHIN FORTY-EIGHT**
27 **(48) HOURS FROM RECEIPT OF INFORMATION, OR**
28 **FROM ACQUIRING ACTUAL KNOWLEDGE, THAT**
29 **ANY FORM OF CHILD SEXUAL ABUSE OR**
30 **EXPLOITATION IS BEING COMMITTED USING ITS**
31 **PLATFORM, SERVICE, SERVER, OR FACILITY, OR**
32 **IS LIKELY BEING COMMITTED USING ITS**

1 PLATFORM, SERVICE, SERVER, OR FACILITY
2 BASED ON, AMONG OTHERS, TRAFFIC ANALYSIS
3 AND OBSERVED SUDDEN SURGES IN USAGE.
4

5 FOR FOREIGN INTERNET INTERMEDIARIES AND ONLINE
6 TECHNOLOGY PLATFORMS THAT, BY VIRTUE OF THEIR
7 DOMESTIC LAWS OR BINDING GOVERNMENT POLICIES, ARE
8 PROHIBITED FROM DIRECTLY DISCLOSING CERTAIN DATA TO
9 PHILIPPINE AUTHORITIES, THE OBLIGATION TO NOTIFY AND
10 REPORT UNDER THIS PARAGRAPH SHALL BE FULFILLED IN
11 ACCORDANCE WITH SECTION 20 OF THIS ACT ON FOREIGN
12 REFERRALS, CYBERTIPLINE REPORTS, AND INTERNATIONAL
13 HOTLINES. ANY DATA, INFORMATION, OR EVIDENCE NOT SO
14 PROHIBITED SHALL NEVERTHELESS BE NOTIFIED OR MADE
15 DIRECTLY AVAILABLE TO THE DOJ–OOC IN ACCORDANCE
16 WITH THIS ACT.
17

18 (7) **PROVISION OF SUBSCRIBER AND TRAFFIC DATA**
19 **UPON WRITTEN REQUEST. – UPON REQUEST** and
20 notwithstanding the provisions of Republic Act No. 10175
21 or the 'Cybercrime Prevention Act of 2012 **PROVIDE**
22 **LAW ENFORCEMENT AGENCIES, GOVERNMENT**
23 **PROSECUTORS, LEGISLATIVE BODIES, OR**
24 **GOVERNMENT OFFICES GIVEN A MANDATE BY**
25 **LAW TO INVESTIGATE OR ASSIST IN THE**
26 **INVESTIGATION OF OSAEC AND/OR CSAEM**
27 **CASES,** the subscriber's or registration information
28 and/or traffic data of any person who:
29

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

(ii) Facilitated the violations of this Act; or

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

The **REQUEST** must particularly describe the information asked for and indicate the relevancy of such information to the **OSAEC and/or CSAEM** case.

(8) **ESTABLISHMENT OF A PORTAL. – ESTABLISH, WITHIN SIX (6) MONTHS FROM EFFECTIVITY OF THIS ACT, A SECURE ELECTRONIC SERVICE PORTAL (“PORTAL”) FOR THE RECEIPT AND PROCESSING OF LAW-ENFORCEMENT, PROSECUTORIAL, AND COURT PROCESSES, INCLUDING BUT NOT LIMITED TO: EMERGENCY AND STANDARD PRESERVATION REQUESTS, REQUESTS FOR SUBSCRIBERS’ INFORMATION AND TRAFFIC DATA, SUBPOENAS, ORDERS FOR PRODUCTION OR DISCLOSURE, CYBERCRIME OR SEARCH WARRANTS, TAKE-DOWN/REMOVAL/DISABLEMENT DIRECTIVES, AND FREEZING/BLOCKING ORDERS RELATED TO OSAEC AND CSAEM.**

THE TECHNICAL AND OPERATIONAL STANDARDS FOR SUCH PORTALS OR CHANNELS, INCLUDING ANY TIERED REQUIREMENTS BASED ON THE SIZE, NATURE, AND RISK PROFILE OF THE SERVICE, SHALL BE FURTHER SPECIFIED IN THE IMPLEMENTING RULES AND REGULATIONS (IRR); PROVIDED, THAT ALL COVERED ENTITIES SHALL MAINTAIN AT

1 **LEAST ONE RELIABLE, SECURE, AND CONTINUOUSLY**
2 **MONITORED ELECTRONIC MEANS BY WHICH DULY**
3 **AUTHORIZED PHILIPPINE AUTHORITIES CAN TRANSMIT AND**
4 **RECEIVE SUCH PROCESSES AND REQUESTS UNDER THIS ACT.**

5
6 (9) Coordinate with Department of Justice – Office of
7 Cybercrime (DOJ-OOC) to define the standard upon which
8 an internet intermediary is measured, in order to fairly
9 assess if an internet intermediary **OR ONLINE**
10 **TECHNOLOGY PLATFORM** has reasonably complied
11 with its duties under this Act; and

12
13 (10) **NON-NOTIFICATION POLICY - INCLUDE IN THEIR**
14 **TERMS OF SERVICE OR SERVICE AGREEMENTS**
15 **WITH THIRD-PARTY USERS OR CREATORS OF**
16 **CONTENT, PRODUCTS, AND SERVICES THAT THEY**
17 **HAVE A POLICY** of dispensing with notification,
18 **DIRECTLY OR INDIRECTLY,** to an account holder,
19 subscriber or customer, **OR ASSOCIATED USER WHO**
20 **IS IDENTIFIED, LINKED, OR REASONABLY**
21 **SUSPECTED IN AN OSAEC OR CSAEM**
22 **INVESTIGATION OF THE EXISTENCE, CONTENTS,**
23 **OR STATUS OF ANY PRESERVATION REQUEST,**
24 **SUBPOENA, ORDER FOR DISCLOSURE OR**
25 **PRODUCTION, CYBERCRIME WARRANT, COURT**
26 **ORDER, TAKEDOWN/DISABLEMENT DIRECTIVE,**
27 **OR ANY OTHER LAWFUL GOVERNMENTAL**
28 **REQUEST SERVED UNDER THIS ACT,** directing the
29 internet intermediary or the technology platform to
30 disclose information about the said account holder,
31 subscriber, customer, **OR ASSOCIATED USER** for the
32 purposes of the criminal investigation.

1
2 (11) MAINTAIN LOGS OF EACH AND EVERY
3 SUBSCRIBER AND THE IP ADDRESS ASSIGNED TO
4 EACH AND EVERY SUBSCRIBER AT A GIVEN DATE
5 AND TIME.

6
7 (12) ADOPT AND INTEGRATE CHILD PROTECTION
8 STANDARDS AND POLICIES IN THEIR CORPORATE
9 GOVERNANCE PRACTICE AND PROCESSES.

10
11 (13) AGE-VERIFICATION AND ACCESS CONTROLS. —
12 ADOPT AGE-VERIFICATION OR AGE-ASSURANCE
13 CONTROLS AND PROTOCOLS TO RESTRICT
14 CHILDREN’S ACCESS TO MATERIALS WITHIN THE
15 PURVIEW OF SECTION 3(C)(IV) OF PRESIDENTIAL
16 DECREE NO. 1986, ENTITLED “CREATING THE
17 MOVIE AND TELEVISION REVIEW AND
18 CLASSIFICATION BOARD,” AND TO OTHER
19 SEXUALLY EXPLICIT OR AGE-INAPPROPRIATE
20 CONTENT IDENTIFIED IN THE IMPLEMENTING
21 RULES AND REGULATIONS (IRR).

22
23 THE SPECIFIC STANDARDS, INCLUDING GRADUATED
24 OBLIGATIONS FOR SERVICES PRIMARILY ENGAGED IN ADULT-
25 CONTENT DISTRIBUTION AND FOR PLATFORMS WHERE
26 EXPOSURE IS INCIDENTAL OR USER-GENERATED, SHALL BE
27 FURTHER PRESCRIBED UNDER THE IRR TO BE ISSUED
28 PURSUANT TO PARAGRAPH (15) OF THIS SUBSECTION, IN
29 CONSULTATION WITH THE NATIONAL TELECOMMUNICATIONS
30 COMMISSION (NTC), THE DEPARTMENT OF INFORMATION
31 AND COMMUNICATION TECHNOLOGY (DICT), THE MOVIE AND
32 TELEVISION REVIEW AND CLASSIFICATION BOARD (MTRCB),

1 **AND THE NATIONAL PRIVACY COMMISSION (NPC).**

2

3 **(14) IMPLEMENTING RULES AND TECHNICAL**

4 **STANDARDS. — WITHIN ONE HUNDRED TWENTY**

5 **(120) DAYS FROM THE EFFECTIVITY OF THIS ACT,**

6 **THE NCC-OSAEC-CSAEM SECRETARIAT SHALL, IN**

7 **COORDINATION WITH DOJ-OOC, DICT, CICC,**

8 **PNP, NBI, AMLC, BSP, MTRCB, AND NTC**

9 **PROMULGATE THE IMPLEMENTING RULES AND**

10 **REGULATIONS (IRR) FOR THIS SECTION AND**

11 **SECTION 9(A), INCLUDING TECHNICAL AND**

12 **OPERATIONAL STANDARDS COVERING: NOTICE-**

13 **AND-ACTION AND TAKEDOWN PROCEDURES;**

14 **PRESERVATION, LOGGING; THE SECURE**

15 **ELECTRONIC SERVICE PORTAL AND**

16 **ACCREDITATION OF COMPETENT AUTHORITIES;**

17 **REPORTING AND AUDIT OBLIGATIONS; CHILD-**

18 **PROTECTION SAFEGUARDS, AGE-ASSURANCE**

19 **AND ACCESS CONTROLS; AND**

20 **COORDINATION/MEASURING STANDARDS FOR**

21 **REASONABLE COMPLIANCE. THE IRR SHALL BE**

22 **TECHNOLOGY-NEUTRAL AND SHALL PROVIDE FOR**

23 **PERIODIC REVIEW AND UPDATES TO ADDRESS**

24 **EMERGING AND FORESEEABLE TRENDS, AFTER**

25 **MULTI-STAKEHOLDER CONSULTATION WITH**

26 **RELEVANT REGULATORS, INDUSTRY, AND CHILD-**

27 **PROTECTION ORGANIZATIONS, AS WELL AS**

28 **REGISTRATION PROCEDURES, AUTHORIZATION**

29 **TEMPLATES, ELECTRONIC SERVICE CHANNELS,**

30 **AND REPORTING REQUIREMENTS FOR**

31 **DESIGNATED LEGAL REPRESENTATIVES UNDER**

32 **SECTION 9(A).**

1
2 (15) **AUTOMATED SAFEGUARDS NOT, BY THEMSELVES,**
3 **A REPORTING TRIGGER. — THE REPORTING**
4 **OBLIGATIONS UNDER THIS ACT, INCLUDING**
5 **THOSE IN SECTION 9(A), SHALL NOT, BY**
6 **THEMSELVES, BE DEEMED TRIGGERED SOLELY BY**
7 **THE DEPLOYMENT OR USE OF AUTOMATED OR**
8 **TECHNICAL MEASURES DESIGNED TO PREVENT,**
9 **FILTER, OR BLOCK CSAEM OR OSAEC-RELATED**
10 **CONTENT, WHERE THE OPERATION OF SUCH**
11 **MEASURES DOES NOT RESULT IN THE INTERNET**
12 **INTERMEDIARY OR ONLINE TECHNOLOGY**
13 **PLATFORM RECEIVING, ACCESSING, OR**
14 **RETAINING IDENTIFIABLE INFORMATION ABOUT**
15 **THE UNDERLYING CONTENT, USER, OR**
16 **TRANSACTION. HOWEVER, FOR ANY**
17 **INFORMATION THAT AN INTERNET**
18 **INTERMEDIARY OR ONLINE TECHNOLOGY**
19 **PLATFORM ACTUALLY RECEIVES, ACCESSES, OR**
20 **REVIEWS THROUGH SUCH MEASURES OR**
21 **THROUGH OTHER CHANNELS SHALL REMAIN**
22 **SUBJECT TO ITS REPORTING DUTIES UNDER THIS**
23 **ACT.**

24
25 **(B) DUTIES OF INTERNET SERVICE PROVIDERS (ISPS).** — In
26 addition to **ANY** duties **APPLICABLE TO THEM AS INTERNET**
27 **INTERMEDIARIES UNDER THIS ACT,** all ISPs shall:

28
29 (1) **MAINTAIN AND MANAGE AN UPDATED LIST OF**
30 **URLS AND OTHER INTERNET ASSETS, AS DEFINED**
31 **IN SECTION 3(O), CONTAINING CSAEM OR HAVE**
32 **BEEN IDENTIFIED BY COMPETENT AUTHORITIES**

1 OR RECOGNIZED CHILD-PROTECTION
2 ORGANIZATIONS AS BEING USED TO COMMIT,
3 FACILITATE, OR TRANSMIT OSAEC OR CSAEM, BY
4 PARTNERING WITH ORGANIZATIONS THAT
5 MAINTAIN COMPREHENSIVE LIST OF CSAEM-
6 RELATED URLS AND HASH DATABASES;
7

8 (2) INTEGRATE AND APPLY SUCH LISTS IN THEIR
9 NETWORK-LAYER BLOCKING, FILTERING, OR
10 OTHER TECHNICAL SAFEGUARDS REQUIRED
11 UNDER THIS ACT, FOR THE PURPOSE OF
12 PREVENTING OR RESTRICTING ACCESS, FROM
13 WITHIN THEIR NETWORKS, TO INTERNET ASSETS
14 KNOWN OR REASONABLY SUSPECTED TO HOST
15 OR FACILITATE OSAEC OR CSAEM; AND
16

17 (3) REGULARLY UPDATE SUCH LISTS AND THE
18 ASSOCIATED SAFEGUARDS AT INTERVALS AND IN
19 A MANNER TO BE FURTHER SPECIFIED IN THE
20 IMPLEMENTING RULES AND REGULATIONS, IN
21 COORDINATION WITH THE NCC-OSAEC-CSAEM
22 SECRETARIAT, THE DICT, DOJ-OOC, AND OTHER
23 COMPETENT AUTHORITIES, ENSURING THAT
24 THESE MEASURES ARE IMPLEMENTED IN A
25 MANNER CONSISTENT WITH REPUBLIC ACT NO.
26 10173 OR THE "DATA PRIVACY ACT OF 2012" AND
27 OTHER APPLICABLE LAWS, AND ARE REASONABLY
28 TAILORED SO AS NOT TO UNDULY BLOCK LAWFUL
29 CONTENT OR SERVICES.
30

31 (C) Duties of PSPs. In addition to the duties **APPLICABLE TO**
32 **THEM** as Internet Intermediaries **UNDER THIS ACT, ALL**

PAYMENT SYSTEM PROVIDERS (PSPS), INCLUDING OPERATORS OF PAYMENT SYSTEMS (OPS), NON-BANK FINANCIAL INSTITUTIONS (NBFIS), VIRTUAL ASSET SERVICE PROVIDERS (VASPS), AND OTHER COVERED PERSONS UNDER THE ANTI-MONEY LAUNDERING ACT (AMLA) WHEN PERFORMING PAYMENT, TRANSFER, OR SETTLEMENT FUNCTIONS, SHALL ENSURE THE FOLLOWING:

(1) TRACEABILITY AND DATA-SHARING MECHANISMS. — ENSURE EFFECTIVE TRACEABILITY OF TRANSACTIONS BY MAINTAINING INTEROPERABLE, AUDITABLE, AND SECURE DATA-SHARING MECHANISMS WITH OTHER PSPS AND OPS, SO THAT, WHEN A CUSTOMER, ACCOUNT, PRODUCT, CHANNEL, OR TRANSACTION IS IDENTIFIED OR REASONABLY SUSPECTED AS BEING CONNECTED TO OSAEC OR CSAEM, CROSS-PLATFORM FUND FLOWS CAN BE TRACED WITHIN SUCH PERIODS AND IN ACCORDANCE WITH THE TECHNICAL AND OPERATIONAL STANDARDS AS MAY BE PRESCRIBED IN THE IRR, HAVING REGARD TO THE SIZE, NATURE, AND RISK PROFILE OF THE SERVICE.

(2) ACCESS TO FINANCIAL INFORMATION AND COOPERATION WITH AUTHORITIES. — PROVIDE, UPON SUBPOENA, AND NOTWITHSTANDING THE PROVISIONS OF REPUBLIC ACT NO. 1405, REPUBLIC ACT NO. 6426, AND REPUBLIC ACT NO. 8791, ACCESS TO SUCH FINANCIAL DOCUMENTS

1 AND INFORMATION AS ARE REASONABLY
2 NECESSARY WHEN THERE IS REASONABLE
3 GROUND TO BELIEVE THAT TRANSACTIONS ARE
4 RELATED TO OSAEC OR CSAEM OFFENSES. FOR
5 PURPOSES OF THIS PARAGRAPH, "FINANCIAL
6 DOCUMENTS AND INFORMATION" MAY INCLUDE,
7 BUT ARE NOT LIMITED TO:

- 8
- 9 (i) BASIC CUSTOMER AND ACCOUNT
10 IDENTIFICATION DATA RECORDED FOR
11 FINANCIAL OR KYC PURPOSES, INCLUDING
12 NAME, ADDRESS, DATE OF BIRTH, CONTACT
13 DETAILS, CUSTOMER NUMBER, AND
14 RELEVANT KNOW-YOUR-CUSTOMER (KYC)
15 OR CUSTOMER DUE DILIGENCE (CDD)
16 RECORDS;
- 17
- 18 (ii) ACCOUNT, WALLET, OR CARD NUMBERS
19 AND OTHER RELEVANT ACCOUNT OR
20 PAYMENT INSTRUMENT IDENTIFIERS;
- 21
- 22 (iii) TRANSACTION RECORDS FOR SPECIFIED
23 PERIODS, INCLUDING DATES, AMOUNTS,
24 CURRENCY, CHANNELS USED, MERCHANT
25 OR COUNTERPARTY DETAILS, ORIGINATOR
26 AND BENEFICIARY INFORMATION, AND
27 NARRATIVE OR PAYMENT-REFERENCE
28 FIELDS;
- 29
- 30 (iv) RECORDS OF ATTEMPTED, DECLINED,
31 REVERSED, REFUNDED, OR CHARGED-BACK
32 TRANSACTIONS RELEVANT TO THE OSAEC

1 OR CSAEM INVESTIGATION;
2

3 (v) INFORMATION ON LINKED OR ASSOCIATED
4 ACCOUNTS, WALLETS, OR PAYMENT
5 INSTRUMENTS, WHERE REASONABLY
6 NECESSARY TO TRACE RELATED OSAEC OR
7 CSAEM FLOWS; AND
8

9 (vi) INTERNAL RISK FLAGS, ALERTS, OR
10 CASE/REFERENCE NUMBERS RELATING TO
11 SUSPICIOUS TRANSACTION REPORTS
12 (STRS) OR OTHER INTERNAL
13 INVESTIGATIONS INVOLVING THE SAME
14 CUSTOMER OR TRANSACTIONS.
15

16 NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO
17 LIMIT OR REDUCE THE DUTIES OF INTERNET
18 INTERMEDIARIES UNDER SECTION 9(A) OF THIS ACT TO
19 PROVIDE SUBSCRIBER OR REGISTRATION INFORMATION AND
20 TRAFFIC DATA. FOR ENTITIES THAT ARE BOTH PAYMENT
21 SYSTEM PROVIDERS AND INTERNET INTERMEDIARIES,
22 REQUESTS FOR SUBSCRIBER OR REGISTRATION
23 INFORMATION AND TRAFFIC DATA SHALL BE GOVERNED BY
24 SECTION 9(A), WHILE THIS PARAGRAPH SHALL APPLY TO
25 ACCOUNT-LEVEL AND TRANSACTION-LEVEL FINANCIAL
26 DOCUMENTS AND INFORMATION.
27

28 THE PROCESSING AND DISCLOSURE OF INFORMATION
29 PURSUANT TO THIS PARAGRAPH SHALL CONSTITUTE LAWFUL
30 PROCESSING UNDER REPUBLIC ACT NO. 10173, OR THE "DATA
31 PRIVACY ACT OF 2012," AND SHALL BE DEEMED A SPECIFIC
32 EXCEPTION TO, AND NOT A VIOLATION OF, REPUBLIC ACT NO.

1 **1405, REPUBLIC ACT NO. 6426, REPUBLIC ACT NO. 8791, AND**
2 **OTHER CONFIDENTIALITY PROVISIONS, PROVIDED THAT THE**
3 **DISCLOSURE IS LIMITED TO INFORMATION REASONABLY**
4 **NECESSARY FOR THE STATED PURPOSE AND THE**
5 **REQUIREMENTS HEREIN ARE SUBSTANTIALLY OBSERVED.**

6
7 **IN ALL CASES, PAYMENT SYSTEM PROVIDERS SHALL**
8 **TRANSMIT SUCH DATA ONLY THROUGH SECURE AND**
9 **AUDITABLE CHANNELS AND SHALL MAINTAIN TAMPER-**
10 **EVIDENT LOGS OF ALL REQUESTS AND DISCLOSURES UNDER**
11 **THIS PARAGRAPH FOR AUDIT AND ACCOUNTABILITY**
12 **PURPOSES WITHIN A PERIOD TO BE SPECIFIED IN THE IRR.**
13 **PAYMENT SYSTEM PROVIDERS SHALL NOT BE HELD CIVILLY,**
14 **CRIMINALLY, OR ADMINISTRATIVELY LIABLE UNDER BANK-**
15 **SECRECY OR DATA-PRIVACY LAWS FOR GOOD-FAITH**
16 **DISCLOSURES MADE IN COMPLIANCE WITH THIS PARAGRAPH.**

17
18 **NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO**
19 **LIMIT OR MODIFY THE POWERS OF THE ANTI-MONEY**
20 **LAUNDERING COUNCIL (AMLC) UNDER THE "ANTI-MONEY**
21 **LAUNDERING ACT OF 2001" AND ITS IMPLEMENTING RULES**
22 **AND REGULATIONS.**

23
24 **FOR PURPOSES OF THIS ACT,** violations under Section 4 of this act
25 shall be considered "unlawful activity" under section 3(i) of Republic Act
26 No. 9160, otherwise known as the "Anti-Money Laundering Act of 2001,"
27 as amended, and shall be punishable under the said Act.

28
29 **(D) OSAEC/CSAEM-RELATED FINANCIAL INTELLIGENCE**
30 **DISSEMINATION AND EMERGENCY NOTIFICATION. —**

31
32 **(1) DISSEMINATION OF OSAEC/CSAEM-RELATED**

1 REPORTS BY AMLC. — CONSISTENT WITH
2 SECTION 41 ON AUTHORIZED SHARING OF
3 INFORMATION AND THE AMLA, THE AMLC SHALL,
4 UPON ITS INITIAL ASSESSMENT THAT A
5 SUSPICIOUS TRANSACTION REPORT (STR),
6 COVERED TRANSACTION REPORT (CTR), OR
7 OTHER REPORT IT HAS RECEIVED MAY RELATE TO
8 OSAEC AND/OR CSAEM, IMMEDIATELY
9 DISSEMINATE RELEVANT FINANCIAL
10 INTELLIGENCE TO THE DOJ OFFICE OF
11 CYBERCRIME (DOJ–OOC), THE DOJ NCC–OSAEC–
12 CSAEM SECRETARIAT, AND SUCH LAW-
13 ENFORCEMENT AGENCIES AS MAY BE IDENTIFIED
14 IN THE IRR FOR PURPOSES OF INVESTIGATION,
15 RESCUE OPERATIONS, ASSET-TRACING, AND
16 PROSECUTION UNDER THIS ACT AND THE AMLA.

17
18 SUCH DISSEMINATION SHALL CONSTITUTE
19 LAWFUL PROCESSING UNDER REPUBLIC ACT NO.
20 10173 OR THE “DATA PRIVACY ACT OF 2012” AND
21 SHALL BE DEEMED A SPECIFIC EXCEPTION TO, AND
22 NOT A VIOLATION OF, REPUBLIC ACT NO. 1405,
23 REPUBLIC ACT NO. 6426, REPUBLIC ACT NO. 8791,
24 AND OTHER CONFIDENTIALITY PROVISIONS, TO
25 THE EXTENT REASONABLY NECESSARY FOR THE
26 PURPOSES STATED IN THIS PARAGRAPH.

27
28 (2) EMERGENCY NOTIFICATION BY PSPS AND OTHER
29 COVERED PERSONS. — NOTHING IN THIS ACT
30 SHALL PREVENT ANY PAYMENT SYSTEM
31 PROVIDER OR OTHER COVERED PERSON UNDER
32 THE AMLA FROM DIRECTLY NOTIFYING THE DOJ–

1 OOC, THE PNP, THE NBI, OR OTHER COMPETENT
2 LAW-ENFORCEMENT AGENCIES WHERE THERE IS
3 A REASONABLE BELIEF THAT A CHILD IS IN
4 IMMINENT DANGER OF ONGOING OR FUTURE
5 SEXUAL ABUSE OR EXPLOITATION, PROVIDED,
6 THAT SUCH NOTIFICATION SHALL BE WITHOUT
7 PREJUDICE TO THE OBLIGATION TO FILE STRs
8 WITH THE AMLC UNDER THE AMLA AND THIS ACT.

9
10 (E) DUTIES OF TECHNOLOGY PLATFORMS ACCESSIBLE
11 OFFLINE. — THIS SUBSECTION SHALL APPLY TO
12 TECHNOLOGY PLATFORMS, AS DEFINED IN SECTION
13 3(JJ), THAT CAN BE INSTALLED, USED, OR OPERATED
14 WITHOUT CONTINUOUS INTERNET CONNECTIVITY AND
15 THAT ARE REASONABLY CAPABLE OF BEING USED TO
16 CREATE, GENERATE, MANIPULATE, OR PROCESS
17 VISUAL, AUDIO, AUDIOVISUAL, OR TEXTUAL
18 REPRESENTATIONS OF HUMAN PERSONS OR
19 COMMUNICATIONS WHICH MAY BE USED TO PRODUCE
20 CHILD SEXUAL ABUSE OR EXPLOITATION MATERIAL
21 (CSAEM), TO SEXUALIZE CHILDREN, OR TO FACILITATE
22 OSAEC.

23
24 WHERE A TECHNOLOGY PLATFORM ALSO PROVIDES ONLINE
25 SERVICES COVERED BY SECTION 9(A), ITS OBLIGATIONS
26 UNDER THIS SUBSECTION SHALL BE WITHOUT PREJUDICE TO
27 ITS DUTIES UNDER SECTION 9(A).

28
29 PROVIDERS OF SUCH TECHNOLOGY PLATFORMS, WHETHER
30 PUBLIC OR PRIVATE, SHALL:

31
32 (1) TERMS OF USE AND LICENSING PROHIBITIONS. —

1 INCORPORATE, IN END-USER LICENSE
2 AGREEMENTS, TERMS OF USE, OR EQUIVALENT
3 PRODUCT DOCUMENTATION, A CLEAR
4 PROHIBITION AGAINST THE USE OF THE
5 PLATFORM TO CREATE, GENERATE, MANIPULATE,
6 DISTRIBUTE, OR OTHERWISE FACILITATE CSAEM,
7 THE SEXUALIZATION OF CHILDREN, OR ANY
8 FORM OF OSAEC, INCLUDING THE PRODUCTION
9 OF AI-GENERATED OR DIGITALLY MANIPULATED
10 IMAGES OR REPRESENTATIONS OF CHILDREN IN
11 SEXUAL CONTEXTS.

12
13 (2) SAFETY-BY-DESIGN CONTROLS. — DESIGN,
14 CONFIGURE, AND EQUIP THE PLATFORM WITH
15 REASONABLE TECHNICAL AND ORGANIZATIONAL
16 SAFEGUARDS AGAINST ITS USE FOR CSAEM OR
17 THE SEXUALIZATION OF CHILDREN, HAVING
18 REGARD TO THE NATURE, FUNCTIONALITY, AND
19 RISK PROFILE OF THE PRODUCT. SUCH
20 SAFEGUARDS MAY INCLUDE, WHERE
21 TECHNICALLY FEASIBLE:

22
23 (i) PROMPT FILTERING, CONTENT
24 GUARDRAILS, OR OTHER IN-PRODUCT
25 RESTRICTIONS THAT PREVENT OR
26 DISCOURAGE THE GENERATION OR
27 MANIPULATION OF SEXUAL CONTENT
28 INVOLVING CHILDREN OR PERSONS
29 DEPICTED OR MADE TO APPEAR TO BE
30 CHILDREN;

31
32 (ii) WARNINGS OR INTERRUPTIONS WHERE

1 **USER INPUTS OR SETTINGS INDICATE AN**
2 **INTENT TO CREATE SEXUAL CONTENT**
3 **INVOLVING CHILDREN; AND**
4

5 **(iii) DEFAULT CONFIGURATIONS THAT DISABLE**
6 **OR RESTRICT FEATURES WHICH PRESENT**
7 **HEIGHTENED RISK OF CSAEM PRODUCTION**
8 **OR CHILD SEXUALIZATION, UNLESS**
9 **ADEQUATE SAFEGUARDS ARE IN PLACE.**
10

11 **(3) TRAINING DATA AND MODEL CONTROLS. —**
12 **WHERE THE PLATFORM USES MACHINE-**
13 **LEARNING SYSTEMS, ARTIFICIAL INTELLIGENCE,**
14 **OR OTHER GENERATIVE OR TRANSFORMATIVE**
15 **MODELS, ESTABLISH AND IMPLEMENT**
16 **PROCESSES TO:**
17

18 **(i) EXCLUDE, REMOVE, OR EFFECTIVELY**
19 **NEUTRALIZE CSAEM AND SEXUALLY**
20 **EXPLOITATIVE DEPICTIONS OF CHILDREN**
21 **FROM TRAINING, FINE-TUNING, OR**
22 **EVALUATION DATASETS; AND**
23

24 **(ii) PREVENT THE MODEL FROM GENERATING**
25 **OR FACILITATING CSAEM OR THE**
26 **SEXUALIZATION OF CHILDREN, INCLUDING**
27 **THROUGH POST-TRAINING SAFETY LAYERS**
28 **OR GUARDRAILS.**
29

30 **(4) PRODUCT INFORMATION AND COOPERATION. —**
31 **MAINTAIN AND, UPON REQUEST OF COMPETENT**
32 **AUTHORITIES IDENTIFIED IN THE**

1 IMPLEMENTING RULES AND REGULATIONS (IRR),
2 PROVIDE INFORMATION NECESSARY TO
3 UNDERSTAND THE RELEVANT TECHNICAL
4 FEATURES OF THE PLATFORM FOR PURPOSES OF
5 OSAEC/CSAEM INVESTIGATION OR POLICY-
6 MAKING, INCLUDING, AS APPROPRIATE,
7 DOCUMENTATION ON SAFETY FEATURES,
8 DEFAULT CONFIGURATIONS, AND CONTENT-
9 GUARDRAIL MECHANISMS. SUCH COOPERATION
10 SHALL NOT REQUIRE THE PROVIDER TO ACCESS
11 OR DISCLOSE USER-GENERATED CONTENT
12 STORED SOLELY ON AN END-USER'S DEVICE.

13
14 (5) USER AWARENESS AND DOCUMENTATION. —
15 MAKE AVAILABLE, THROUGH PRODUCT
16 DOCUMENTATION, HELP FILES, OR OTHER
17 REASONABLY ACCESSIBLE MEANS, CLEAR
18 INFORMATION ON:

19
20 (i) THE PROHIBITION ON USING THE
21 PLATFORM FOR CSAEM OR THE
22 SEXUALIZATION OF CHILDREN; AND

23
24 (ii) ANY BUILT-IN SAFETY FEATURES DESIGNED
25 TO PREVENT SUCH MISUSE.

26
27 (6) VULNERABILITY REPORTING AND REMEDIATION.
28 — ESTABLISH A CHANNEL THROUGH WHICH
29 USERS, CIVIL-SOCIETY ORGANIZATIONS, OR
30 COMPETENT AUTHORITIES MAY REPORT
31 REASONABLE CONCERNS THAT THE PLATFORM, IN
32 ITS CURRENT DESIGN OR CONFIGURATION, IS

1 BEING SYSTEMATICALLY MISUSED FOR CSAEM OR
2 OSAEC. WHERE SUCH MISUSE IS CREDIBLY
3 ESTABLISHED AND ATTRIBUTABLE TO FEATURES
4 OR DESIGN CHOICES OF THE PLATFORM, THE
5 PROVIDER SHALL, WITHIN A REASONABLE
6 PERIOD AND HAVING REGARD TO THE NATURE
7 AND SCALE OF THE RISK, IMPLEMENT
8 PROPORTIONATE MITIGATING MEASURES
9 THROUGH UPDATES, PATCHES, CONFIGURATION
10 CHANGES, OR OTHER TECHNICAL OR
11 ORGANIZATIONAL CONTROLS.

12
13 (7) **PRIVACY SAFEGUARDS. — NOTHING IN THIS**
14 **SUBSECTION SHALL BE CONSTRUED TO REQUIRE**
15 **PROVIDERS TO CONDUCT GENERALIZED OR**
16 **INDISCRIMINATE SCANNING OF ALL OFFLINE**
17 **USER CONTENT, OR TO MONITOR, ACCESS, OR**
18 **COLLECT USER-GENERATED CONTENT STORED**
19 **SOLELY ON AN END-USER’S DEVICE, BEYOND**
20 **WHAT IS REASONABLY NECESSARY TO OPERATE**
21 **IN-PRODUCT SAFETY FEATURES AT THE POINT OF**
22 **CONTENT CREATION, EXPORT, OR RENDERING,**
23 **OR TO COMPLY WITH A SPECIFIC, LAWFUL**
24 **REQUEST OR ORDER UNDER APPLICABLE LAW.**
25 **SAFETY MEASURES IMPLEMENTED UNDER THIS**
26 **SUBSECTION SHALL AT ALL TIMES COMPLY WITH**
27 **REPUBLIC ACT NO. 10173, OR THE “DATA**
28 **PRIVACY ACT OF 2012,” AND OTHER APPLICABLE**
29 **CONFIDENTIALITY AND DATA-PROTECTION**
30 **LAWS.**

1 THE SPECIFIC TECHNICAL AND OPERATIONAL STANDARDS,
2 INCLUDING ANY TIERED REQUIREMENTS HAVING REGARD TO
3 THE SIZE, NATURE, AND RISK PROFILE OF THE PLATFORM,
4 SHALL BE FURTHER SPECIFIED IN THE IMPLEMENTING RULES
5 AND REGULATIONS (IRR) TO BE ISSUED BY THE NCC-OSAEC-
6 CSAEM SECRETARIAT, IN COORDINATION WITH THE DICT,
7 CICC, NTC, DOJ-OOC AND OTHER RELEVANT AGENCIES.
8 HOWEVER, THE DUTIES SET OUT IN THIS SUBSECTION SHALL
9 BE IMMEDIATELY APPLICABLE UPON THE EFFECTIVITY OF
10 THIS ACT AND SHALL NOT DEPEND ON THE PRIOR ISSUANCE
11 OF SUCH IRR.

12
13 **(F)** Responsibility of All Internet Hotspots, Cafés or Kiosks. —
14 Internet hotspots, cafés or kiosks shall:

15
16 (1) Notify the **LAW ENFORCEMENT AGENCIES**, within
17 twenty-four (24) hours from obtaining facts and
18 circumstances, of any violation of this Act that are being
19 committed within their premises: Provided, That there is
20 a prima facie knowledge that a violation of this Act is
21 being committed if such acts or omission has been
22 committed within the premises of such internet hotspot,
23 café or kiosk;

24
25 (2) **INSTALL, MAINTAIN, AND REGULARLY UPDATE**
26 **APPROPRIATE CONTENT-FILTERING, WEBSITE-**
27 **BLOCKING, OR NETWORK-LEVEL SAFEGUARDS**
28 **CERTIFIED OR PRESCRIBED BY THE DEPARTMENT**
29 **OF INFORMATION AND COMMUNICATIONS**
30 **TECHNOLOGY (DICT), IN COORDINATION WITH**
31 **THE NCC-OSAEC-CSAEM SECRETARIAT, TO**
32 **PREVENT ACCESS TO OR TRANSMISSION OF**

1 **ONLINE SEXUAL ABUSE OR EXPLOITATION OF**
2 **CHILDREN AND CHILD SEXUAL ABUSE OR**
3 **EXPLOITATION MATERIALS (OSAEC/CSAEM).**
4 **SUCH SAFEGUARDS SHALL NOT INTRUDE INTO**
5 **USERS' PRIVATE COMMUNICATIONS AND SHALL**
6 **COMPLY WITH DATA-PRIVACY AND**
7 **CYBERSECURITY STANDARDS; AND**
8

- 9 (3) Promote awareness against OSAEC and CSAEM through
10 clear and visible signages in both English and the local
11 dialect, with local and national hotlines posted within their
12 facilities.

13
14 **LGUs SHALL ENSURE COMPLIANCE WITH THIS SECTION**
15 **WITHIN THEIR JURISDICTIONS BY:**
16

- 17 (1) **PROMOTING** awareness against OSAEC and CSAEM through
18 clear and visible signages in both English and the local dialect,
19 with local and national hotlines posted within their facilities;
20
21 (2) **CONDITIONING THE ISSUANCE AND RENEWAL OF**
22 **BUSINESS PERMITS FOR INTERNET HOTSPOTS, CAFÉS,**
23 **AND KIOSKS ON PROOF OF COMPLIANCE WITH SECTION**
24 **9(F), PARAGRAPHS (1) TO (3) OF THIS ACT;**
25
26 (3) **CONDUCTING REGULAR AND SPOT INSPECTIONS, IN**
27 **COORDINATION WITH LOCAL PNP UNITS, TO VERIFY**
28 **THE PRESENCE AND PROPER CONFIGURATION OF**
29 **BLOCKING/FILTERING SOFTWARE AND THE POSTING OF**
30 **REQUIRED SIGNAGES AND HOTLINES;**
31
32 (4) **DESIGNATING A CHILD-PROTECTION FOCAL**

1 OFFICE/OFFICER TO RECEIVE REPORTS, ASSIST
2 ESTABLISHMENTS IN COMPLYING WITH STANDARDS,
3 AND ESCALATE VIOLATIONS TO THE NCC-OSAEC-CSAEM
4 SECRETARIAT AND LAW-ENFORCEMENT;
5

6 (5) PROVIDING OR FACILITATING ORIENTATION AND
7 MATERIALS FOR OPERATORS AND STAFF BASED ON
8 TEMPLATES FROM THE NCC-OSAEC-CSAEM
9 SECRETARIAT; AND
10

11 (6) SUBMITTING QUARTERLY COMPLIANCE REPORTS TO
12 THE NCC-OSAEC-CSAEM SECRETARIAT. LGUS MAY
13 IMPOSE ADMINISTRATIVE SANCTIONS, INCLUDING
14 WARNING, FINE, SUSPENSION OR REVOCATION OF
15 PERMITS, AFTER DUE PROCESS, WITHOUT PREJUDICE
16 TO CRIMINAL OR CIVIL LIABILITIES UNDER THIS ACT.
17

18 **(G) DUTIES OF LEARNING INSTITUTIONS**
19

20 (1) **COVERAGE. — THIS SECTION APPLIES TO ALL**
21 **PUBLIC AND PRIVATE BASIC EDUCATION**
22 **SCHOOLS, HIGHER EDUCATION INSTITUTIONS**
23 **(HEI), AND TECHNICAL-VOCATIONAL**
24 **INSTITUTIONS (COLLECTIVELY, “LEARNING**
25 **INSTITUTIONS”), INCLUDING THOSE OPERATING**
26 **ONLINE, HYBRID, OR DISTANCE-LEARNING**
27 **PROGRAMS.**
28

29 (2) **PREVENTION AND CURRICULUM INTEGRATION.**
30 **— EDUCATIONAL INSTITUTIONS SHALL**
31 **INTEGRATE AGE-APPROPRIATE ONLINE SAFETY**
32 **AND ANTI-OSAEC/CSAEM EDUCATION INTO**

CURRICULA, ADVISORIES, HOMEROOM GUIDANCE, ORIENTATION PROGRAMS, AND/OR CO-CURRICULAR ACTIVITIES CONSISTENT WITH STANDARDS SET BY DEPED, CHED, AND TESDA, IN COORDINATION WITH THE NCC-OSAEC-CSAEM SECRETARIAT.

SUCH EDUCATION SHALL FORM PART OF A CONTINUING, AGE-PROGRESSIVE PROGRAM AND SHALL NOT BE LIMITED TO ONE-TIME OR ISOLATED ACTIVITIES. IT SHALL BE DELIVERED ON A REGULAR AND RECURRING BASIS AT SUCH MINIMUM FREQUENCIES AS MAY BE FURTHER SPECIFIED IN THE IMPLEMENTING RULES AND REGULATIONS (IRR).

(3) MANDATORY REPORTING AND REFERRAL. — SCHOOL HEADS AND PERSONNEL WHO, IN THEIR PROFESSIONAL CAPACITY, KNOW OR REASONABLY SUSPECT THAT OSAEC/CSAEM IS BEING PREPARED, ATTEMPTED, OR COMMITTED AGAINST A LEARNER, WHETHER ON- OR OFF-CAMPUS, OR THROUGH ONLINE CHANNELS, SHALL WITHOUT UNDUE DELAY AND IN NO CASE LATER THAN TWENTY-FOUR (24) HOURS FROM KNOWLEDGE OR REASONABLE SUSPICION:

(i) REPORT THE MATTER TO THE APPROPRIATE LAW-ENFORCEMENT AGENCIES AND/OR LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICE (SWDO), FOLLOWING EXISTING REFERRAL PATHWAYS; AND

1 (ii) DOCUMENT THE INCIDENT AND PRESERVE
2 RELEVANT ELECTRONIC OR PHYSICAL
3 RECORDS IN A MANNER CONSISTENT WITH
4 THIS ACT, THE DATA PRIVACY ACT OF 2012,
5 AND OTHER APPLICABLE LAWS, WITHOUT
6 CONDUCTING PARALLEL
7 "INVESTIGATIONS" THAT MAY
8 COMPROMISE EVIDENCE OR SAFETY.

9
10 LEARNERS SHALL BE TREATED AS VICTIMS AND NOT AS
11 OFFENDERS, AND SHALL NOT BE SUBJECTED TO DISCIPLINARY
12 ACTION SOLELY ON ACCOUNT OF THEIR VICTIMIZATION OR
13 INVOLVEMENT AS VICTIMS IN OSAEC/CSAEM INCIDENTS,
14 INCLUDING PARTICIPATION IN FIRST PERSON–PRODUCED
15 CSAEM.

16
17 (4) CHILD PROTECTION STRUCTURES. — EACH
18 LEARNING INSTITUTION SHALL DESIGNATE OR
19 STRENGTHEN A CHILD PROTECTION COMMITTEE
20 (CPC) AND A CHILD PROTECTION FOCAL PERSON
21 TRAINED ON OSAEC/CSAEM IDENTIFICATION,
22 FIRST-LINE RESPONSE, SAFE AND TRAUMA-
23 INFORMED DISCLOSURE HANDLING, BASIC
24 EVIDENCE PRESERVATION, AND REFERRAL
25 PATHWAYS. EXISTING CHILD-PROTECTION
26 POLICIES SHALL BE REVIEWED AND, WHERE
27 NECESSARY, AMENDED TO ALIGN WITH THIS ACT
28 AND ITS IRR.

29
30 (5) ICT ENVIRONMENT AND TECHNICAL MEASURES.
31 — LEARNING INSTITUTIONS SHALL:
32

1 (i) IMPLEMENT REASONABLE NETWORK- AND
2 DEVICE-LEVEL SAFEGUARDS ON SCHOOL-
3 MANAGED NETWORKS, LABORATORIES,
4 AND DEVICES (SUCH AS CONTENT
5 FILTERING, SAFE-SEARCH DEFAULTS,
6 BLACKLISTING OF URLS OR INTERNET
7 ASSETS IDENTIFIED BY COMPETENT
8 AUTHORITIES AS HOSTING CSAEM OR
9 OSAEC, AND ACCESS CONTROLS) TO
10 PREVENT, AS FAR AS PRACTICABLE, ACCESS
11 TO OR TRANSMISSION OF OSAEC/CSAEM;
12

13 (ii) ADOPT AND ENFORCE ACCEPTABLE-USE
14 POLICIES FOR LEARNERS AND STAFF
15 COVERING THE USE OF SCHOOL-MANAGED
16 DEVICES, NETWORKS, LEARNING
17 MANAGEMENT SYSTEMS, AND
18 COMMUNICATION CHANNELS; AND
19

20 (iii) PROVIDE GUIDANCE TO
21 PARENTS/GUARDIANS ON SAFE USE OF
22 PERSONAL DEVICES AND HOME
23 CONNECTIVITY FOR LEARNERS.
24

25 (6) TRAINING OF PERSONNEL. — ALL TEACHING AND
26 RELEVANT NON-TEACHING PERSONNEL SHALL, AT
27 INTERVALS AND TO MINIMUM STANDARDS TO BE
28 SET IN THE IRR, UNDERGO TRAINING ON:
29

30 (i) RECOGNIZING GROOMING, SEXUAL
31 EXTORTION, AND OTHER OSAEC/CSAEM
32 RED FLAGS;

1
2 (ii) **SAFE, TRAUMA-INFORMED RESPONSE AND**
3 **DISCLOSURE HANDLING;**

4
5 (iii) **DOCUMENTATION, MANDATORY**
6 **REPORTING, AND REFERRAL PROTOCOLS;**

7
8 (iv) **ONLINE SAFETY PEDAGOGY AND POSITIVE**
9 **USE OF TECHNOLOGY; AND**

10
11 (v) **CONFIDENTIALITY AND DATA-PROTECTION**
12 **RESPONSIBILITIES UNDER THE DATA**
13 **PRIVACY ACT AND RELATED ISSUANCES.**

14
15 (7) **SURVIVOR SUPPORT AND AFTERCARE. —**
16 **LEARNING INSTITUTIONS SHALL:**

17
18 (i) **ESENSURE SAFE, NON-STIGMATIZING**
19 **SPACES AND NON-RETALIATION FOR**
20 **LEARNERS WHO REPORT OR ARE**
21 **IDENTIFIED AS VICTIMS OR AT RISK;**

22
23 (ii) **PROVIDE OR FACILITATE PSYCHOSOCIAL**
24 **FIRST AID AND TIMELY REFERRALS TO LGU**
25 **SWDO/DSWD, TIP/OSAEC ONE-STOP**
26 **CENTERS, AND/OR ACCREDITED SERVICE**
27 **PROVIDERS; AND**

28
29 (iii) **COORDINATE WITH THE CPC, NON-**
30 **OFFENDING PARENTS/GUARDIANS, OR**
31 **COMPETENT AUTHORITIES IN A MANNER**
32 **THAT MINIMIZES RE-TRAUMATIZATION,**

1 INCLUDING AVOIDING UNNECESSARY
2 REPEATED INTERVIEWS.

3
4 (8) COORDINATION AND DATA SHARING. —
5 LEARNING INSTITUTIONS SHALL COOPERATE
6 WITH NCC-OSAEC-CSAEM SECRETARIAT, LAW
7 ENFORCEMENT AGENCIES, LGUS/BARANGAY
8 COUNCILS FOR THE PROTECTION OF CHILDREN
9 (BCPCS), AND RELEVANT REGULATORS IN THE
10 PREVENTION, DETECTION, REPORTING, AND
11 HANDLING OF OSAEC/CSAEM CASES.

12
13 (9) MONITORING AND COMPLIANCE. — DEPED, CHED,
14 AND TESDA, IN COORDINATION WITH THE NCC-
15 OSAEC-CSAEM SECRETARIAT, SHALL MONITOR
16 COMPLIANCE THROUGH PERIODIC REPORTING,
17 AUDITS, AND SCHOOL
18 RECOGNITION/ACCREDITATION PROCESSES,
19 AND OTHER REGULATORY MECHANISMS.

20
21 AFTER DUE PROCESS, THE APPROPRIATE REGULATOR MAY
22 IMPOSE ADMINISTRATIVE SANCTIONS FOR NON-
23 COMPLIANCE, INCLUDING WARNING, MANDATORY
24 CORRECTIVE ACTION, AND, FOR PRIVATE INSTITUTIONS,
25 SUSPENSION OR NON-RENEWAL OF PERMITS, RECOGNITION,
26 OR ACCREDITATION, WITHOUT PREJUDICE TO CIVIL OR
27 CRIMINAL LIABILITY UNDER THIS ACT AND OTHER LAWS.

28
29 (10) IMPLEMENTING RULES. — WITHIN NINETY (90)
30 DAYS FROM EFFECTIVITY OF THIS ACT, DEPED,
31 CHED, AND TESDA, IN COORDINATION WITH THE
32 NCC-OSAEC-CSAEM SECRETARIAT, DICT, CICC,

1 PNP, NBI, DSWD, AND NPC, SHALL ISSUE JOINT
2 IMPLEMENTING RULES AND REGULATIONS (IRR)
3 FOR THIS SECTION. IMPLEMENTATION
4 STANDARDS, INCLUDING DIFFERENTIATED
5 REQUIREMENTS FOR SMALL, RURAL, OR
6 RESOURCE-LIMITED INSTITUTIONS, SHALL BE
7 FURTHER SPECIFIED IN THE IMPLEMENTING
8 RULES AND REGULATIONS, PROVIDED THAT SUCH
9 DIFFERENTIATION SHALL NOT EXCUSE TOTAL
10 INACTION ON OSAEC/CSAEM PREVENTION,
11 REPORTING, AND RESPONSE.

12
13 (11) NON-INTERFERENCE WITH URGENT CHILD-
14 PROTECTION ACTION. — NOTHING IN THIS
15 SECTION SHALL BE CONSTRUED TO DELAY OR
16 PREVENT IMMEDIATE REPORTING TO LAW
17 ENFORCEMENT OR CHILD-PROTECTION
18 AUTHORITIES WHEN A CHILD IS AT RISK OF
19 ONGOING OR IMMINENT HARM OR WHEN THERE
20 IS A SERIOUS RISK THAT EVIDENCE MAY BE LOST
21 OR DESTROYED.

22
23 (H) DUTIES OF SUPPLEMENTARY LEARNING AND YOUTH
24 ACTIVITY CENTERS

25
26 (1) COVERAGE. — THIS SECTION APPLIES TO PUBLIC
27 AND PRIVATE SUPPLEMENTARY LEARNING AND
28 YOUTH ACTIVITY CENTERS THAT REGULARLY
29 PROVIDE ORGANIZED ACTIVITIES TO CHILDREN
30 OUTSIDE FORMAL SCHOOLING, INCLUDING, BUT
31 NOT LIMITED TO: TUTORIAL AND REVIEW
32 CENTERS; DAY CARE AND AFTER-SCHOOL

1 **PROGRAMS; SPORTS, ARTS, MUSIC, AND**
2 **CULTURAL CENTERS; YOUTH CLUBS AND**
3 **ORGANIZATIONS; FAITH-BASED OR COMMUNITY**
4 **YOUTH MINISTRIES WHEN CONDUCTING**
5 **ORGANIZED YOUTH ACTIVITIES; AND HOLIDAY**
6 **OR VACATION CAMPS (COLLECTIVELY, "YOUTH**
7 **ACTIVITY CENTERS").**

8
9 **(2) CHILD-PROTECTION POLICY AND FOCAL PERSON.**
10 **— YOUTH ACTIVITY CENTERS SHALL:**

11
12 **(i) ADOPT AND IMPLEMENT A WRITTEN CHILD-**
13 **PROTECTION POLICY THAT EXPRESSLY**
14 **PROHIBITS OSAEC AND CSAEM,**
15 **GROOMING, SEXUAL EXTORTION, AND**
16 **OTHER FORMS OF SEXUAL ABUSE OR**
17 **EXPLOITATION OF CHILDREN, WHETHER**
18 **OFFLINE OR THROUGH ICT; AND**

19
20 **(ii) DESIGNATE A CHILD-PROTECTION FOCAL**
21 **PERSON RESPONSIBLE FOR RECEIVING**
22 **DISCLOSURES OR REPORTS,**
23 **COORDINATING WITH AUTHORITIES, AND**
24 **ENSURING IMPLEMENTATION OF THIS ACT**
25 **AND ITS IRR.**

26
27 **THE POLICY SHALL BE MADE KNOWN TO STAFF, VOLUNTEERS,**
28 **CHILDREN, AND PARENTS/GUARDIANS IN A MANNER**
29 **APPROPRIATE TO THEIR AGE AND CAPACITY.**

30
31 **(3) MANDATORY REPORTING AND REFERRAL. —**
32 **OWNERS, MANAGERS, STAFF, OR VOLUNTEERS OF**

1 YOUTH ACTIVITY CENTERS WHO, IN THE COURSE
2 OF THEIR FUNCTIONS, KNOW OR REASONABLY
3 SUSPECT THAT OSAEC OR CSAEM IS BEING
4 PREPARED, ATTEMPTED, OR COMMITTED
5 AGAINST A CHILD, WHETHER WITHIN OR IN
6 CONNECTION WITH THE CENTER'S ACTIVITIES
7 OR COMMUNICATION CHANNELS, SHALL,
8 WITHOUT UNDUE DELAY AND IN NO CASE LATER
9 THAN TWENTY-FOUR (24) HOURS FROM
10 KNOWLEDGE OR REASONABLE SUSPICION:

11
12 (i) REPORT THE MATTER TO THE APPROPRIATE
13 LAW-ENFORCEMENT AGENCIES AND/OR
14 LOCAL SOCIAL WELFARE AND
15 DEVELOPMENT OFFICE (SWDO),
16 FOLLOWING EXISTING REFERRAL
17 PATHWAYS; AND

18
19 (ii) DOCUMENT THE INCIDENT AND, WHERE
20 APPLICABLE, PRESERVE RELEVANT
21 RECORDS (SUCH AS CHAT LOGS,
22 SCREENSHOTS, OR CCTV FOOTAGE)
23 WITHOUT CONDUCTING PARALLEL
24 INVESTIGATIONS THAT MAY COMPROMISE
25 EVIDENCE OR CHILD SAFETY.

26
27 CHILDREN SHALL BE TREATED AS VICTIMS AND NOT AS
28 OFFENDERS, AND SHALL NOT BE SUBJECTED TO DISCIPLINARY
29 ACTION SOLELY ON ACCOUNT OF THEIR VICTIMIZATION OR
30 INVOLVEMENT AS VICTIMS IN OSAEC/CSAEM INCIDENTS,
31 INCLUDING THEIR PARTICIPATION IN FIRST-PERSON
32 PRODUCED CSAEM.

1
2 (4) **SAFE PHYSICAL AND DIGITAL ENVIRONMENT. —**
3 **YOUTH ACTIVITY CENTERS SHALL:**
4

5 (i) **IMPLEMENT REASONABLE MEASURES TO**
6 **PREVENT SITUATIONS THAT FACILITATE**
7 **GROOMING OR ABUSE;**
8

9 (ii) **REGULATE AND MONITOR THE USE OF ANY**
10 **CENTER-MANAGED DEVICES, CAMERAS, OR**
11 **CONNECTIVITY USED DURING ACTIVITIES**
12 **TO PREVENT THE CREATION OR SHARING**
13 **OF CSAEM OR SEXUALIZED IMAGES OF**
14 **CHILDREN; AND**
15

16 (iii) **ADOPT RULES GOVERNING OFFICIAL**
17 **ONLINE GROUPS OR CHAT CHANNELS**
18 **CREATED OR MAINTAINED FOR CENTER**
19 **ACTIVITIES.**
20

21 (5) **ICT SAFEGUARDS WHERE CONNECTIVITY OR**
22 **DEVICES ARE PROVIDED. — WHERE YOUTH**
23 **ACTIVITY CENTERS PROVIDE INTERNET ACCESS,**
24 **WIFI, OR DIGITAL DEVICES FOR CHILDREN’S USE,**
25 **THEY SHALL, TAKING INTO ACCOUNT THEIR SIZE**
26 **AND RESOURCES:**
27

28 (i) **ADOPT BASIC HOUSE RULES ON SAFE AND**
29 **APPROPRIATE USE OF SUCH DEVICES OR**
30 **CONNECTIVITY, INCLUDING A CLEAR**
31 **PROHIBITION ON ACCESSING, CREATING,**
32 **OR SHARING SEXUALIZED IMAGES OF**

CHILDREN OR CSAEM;

(ii) WHERE FEASIBLE ON THE EQUIPMENT THEY USE (E.G., THROUGH BUILT-IN SETTINGS OR SIMPLE FILTERS), ENABLE BASIC SAFETY FEATURES OR RESTRICTIONS TO LIMIT ACCESS TO OBVIOUSLY HARMFUL OR INAPPROPRIATE CONTENT; AND

(iii) COOPERATE, UPON REQUEST, WITH LAWFUL INVESTIGATIONS OF OSAEC/CSAEM INCIDENTS CONNECTED TO THEIR FACILITIES, INCLUDING BY PRESERVING RELEVANT LOGS OR RECORDS AVAILABLE TO THEM.

SUCH MEASURES SHALL BE IMPLEMENTED IN A MANNER CONSISTENT WITH THE DATA PRIVACY ACT OF 2012 AND OTHER APPLICABLE CONFIDENTIALITY LAWS, AND SHALL NOT BE CONSTRUED TO REQUIRE GENERALIZED OR INDISCRIMINATE MONITORING OF ALL PRIVATE COMMUNICATIONS OF CHILDREN OUTSIDE CENTER-MANAGED CHANNELS.

(6) STAFF AND VOLUNTEER SCREENING AND BASIC TRAINING. — YOUTH ACTIVITY CENTERS SHALL, IN A MANNER PROPORTIONATE TO THEIR SIZE AND NATURE:

(i) ADOPT REASONABLE SCREENING OR VETTING MEASURES FOR STAFF AND VOLUNTEERS WHO WILL HAVE REGULAR

1 CONTACT WITH CHILDREN (SUCH AS
2 REQUIRING IDENTIFICATION, REFERENCE
3 CHECKS, OR OTHER COMMUNITY-
4 APPROPRIATE MEANS OF VETTING),
5 CONSISTENT WITH STANDARDS TO BE SET
6 IN THE IRR; AND

7
8 (ii) ENSURE THAT STAFF AND KEY VOLUNTEERS
9 RECEIVE AT LEAST BASIC ORIENTATION,
10 WHICH MAY BE CONDUCTED BY LGUS OR
11 COMPETENT AGENCIES, ON:

12
13 1) RECOGNIZING GROOMING,
14 SEXTORTION, AND OTHER RED
15 FLAGS;

16
17 2) HOW TO RESPOND SAFELY AND IN A
18 TRAUMA-INFORMED MANNER TO A
19 CHILD'S DISCLOSURE; AND

20
21 3) THEIR DUTIES TO REPORT AND REFER
22 CASES UNDER THIS ACT, INCLUDING
23 CONFIDENTIALITY AND DATA-
24 PROTECTION RESPONSIBILITIES.

25
26 THE IRR SHALL PROVIDE SIMPLE, STANDARDIZED MATERIALS
27 AND CHECKLISTS THAT SMALL, COMMUNITY-BASED CENTERS
28 CAN USE TO COMPLY WITH THIS PARAGRAPH WITHOUT
29 UNDUE ADMINISTRATIVE BURDEN.

30
31 (7) SURVIVOR SUPPORT AND NON-RETALIATION. —
32 YOUTH ACTIVITY CENTERS SHALL:

1
2 (i) ENSURE THAT CHILDREN WHO REPORT OR
3 ARE IDENTIFIED AS VICTIMS OR AT RISK
4 ARE NOT SUBJECTED TO RETALIATION,
5 RIDICULE, OR EXCLUSION FROM
6 ACTIVITIES ON ACCOUNT OF THEIR
7 DISCLOSURE OR VICTIMIZATION;
8

9 (ii) PROVIDE BASIC EMOTIONAL FIRST-LINE
10 SUPPORT AND, WHERE NECESSARY, ASSIST
11 CHILDREN AND THEIR FAMILIES IN
12 ACCESSING LGU SWDO/DSWD, TIP/OSAEC
13 ONE-STOP CENTERS, OR OTHER
14 ACCREDITED SERVICE PROVIDERS; AND
15

16 (iii) COORDINATE WITH NON-OFFENDING
17 PARENTS/GUARDIANS, SUBJECT TO CHILD
18 SAFETY AND THE BEST INTERESTS OF THE
19 CHILD, WHILE AVOIDING UNNECESSARY
20 REPEATED INTERVIEWS OR DISCLOSURES
21 THAT MAY RE-TRAUMATIZE THE CHILD.
22

23 (8) COORDINATION WITH LGUS AND COMPETENT
24 AUTHORITIES. — YOUTH ACTIVITY CENTERS
25 SHALL COOPERATE WITH LGUS, THE NCC–OSAEC–
26 CSAEM SECRETARIAT, LAW-ENFORCEMENT
27 AGENCIES, AND RELEVANT NATIONAL AGENCIES
28 ON THE IMPLEMENTATION OF THIS ACT,
29 INCLUDING PARTICIPATION IN LOCAL CHILD-
30 PROTECTION MECHANISMS AND REFERRAL
31 NETWORKS WHERE AVAILABLE.
32

1 **LGUS MAY, CONSISTENT WITH THIS ACT AND ITS IRR:**

2
3 **(1) CONDITION THE ISSUANCE AND RENEWAL OF BUSINESS**
4 **PERMITS OR AUTHORIZATIONS FOR PRIVATE YOUTH**
5 **ACTIVITY CENTERS ON MINIMUM COMPLIANCE WITH**
6 **SECTION 9(H), PARAGRAPHS (2) TO (7) OF THIS ACT;**

7
8 **(2) CONDUCT REGULAR OR SPOT INSPECTIONS, IN**
9 **COORDINATION WITH LOCAL PNP UNITS AND SWDOS,**
10 **TO VERIFY THE EXISTENCE OF CHILD-PROTECTION**
11 **POLICIES, FOCAL PERSONS, AND BASIC SAFEGUARDS;**
12 **AND**

13
14 **(3) IMPOSE ADMINISTRATIVE SANCTIONS, AFTER DUE**
15 **PROCESS, INCLUDING WARNING, MANDATORY**
16 **CORRECTIVE ACTION, AND SUSPENSION OR**
17 **REVOCATION OF PERMITS, WITHOUT PREJUDICE TO**
18 **CIVIL OR CRIMINAL LIABILITY UNDER THIS ACT AND**
19 **OTHER LAWS.**

20
21 **(4) IMPLEMENTING RULES. — WITHIN NINETY (90) DAYS**
22 **FROM THE EFFECTIVITY OF THIS ACT, DSWD AND DILG,**
23 **IN COORDINATION WITH DEPED, CHED, TESDA, THE**
24 **NCC–OSAEC–CSAEM SECRETARIAT, DICT, CICC, PNP,**
25 **NBI, AND THE NATIONAL YOUTH COMMISSION (NYC),**
26 **SHALL ISSUE IMPLEMENTING RULES AND REGULATIONS**
27 **(IRR) FOR THIS SECTION.**

28
29 **(5) NON-INTERFERENCE WITH URGENT ACTION. —**
30 **NOTHING IN THIS SECTION SHALL BE CONSTRUED TO**
31 **DELAY OR PREVENT IMMEDIATE REPORTING TO LAW-**
32 **ENFORCEMENT OR CHILD-PROTECTION AUTHORITIES**

1 WHERE A CHILD IS AT RISK OF ONGOING OR IMMINENT
2 HARM OR WHERE THERE IS A SERIOUS RISK THAT
3 EVIDENCE MAY BE LOST OR DESTROYED.
4

5 **SECTION 7.** A new section 10 is hereby inserted into RA No. 11930 which shall read
6 as follows:

7 **Sec. 10. – DESIGNATED PHILIPPINE LEGAL REPRESENTATIVE FOR**
8 **FOREIGN INTERNET INTERMEDIARIES AND TECHNOLOGY**
9 **PLATFORMS.**
10

11 **(A) COVERAGE. — ANY FOREIGN INTERNET INTERMEDIARY OR**
12 **TECHNOLOGY PLATFORM THAT OFFERS, PROVIDES, OR**
13 **MAKES ITS SERVICES AVAILABLE IN OR INTO THE**
14 **PHILIPPINES, WHETHER OR NOT IT HAS A PHYSICAL**
15 **PRESENCE IN THE COUNTRY, SHALL COMPLY WITH THIS**
16 **SECTION.**
17

18 **(B) APPOINTMENT AND DEADLINE. — WITHIN ONE (1) YEAR**
19 **FROM THE EFFECTIVITY OF THIS ACT—OR PRIOR TO**
20 **COMMENCING AVAILABILITY OF SERVICES IN OR INTO THE**
21 **PHILIPPINES, WHICHEVER IS EARLIER—EVERY COVERED**
22 **ENTITY SHALL DESIGNATE, IN WRITING, A DULY**
23 **AUTHORIZED LEGAL REPRESENTATIVE IN THE**
24 **PHILIPPINES.**
25

26 **(C) QUALIFICATIONS AND REGISTRATION. — THE LEGAL**
27 **REPRESENTATIVE SHALL BE A NATURAL PERSON WHO IS A**
28 **RESIDENT IN THE PHILIPPINES OR A JURIDICAL PERSON**
29 **ORGANIZED OR DULY LICENSED TO DO BUSINESS IN THE**
30 **PHILIPPINES, WITH A PRINCIPAL OFFICE ADDRESS IN THE**
31 **COUNTRY.**
32

1 AN EXISTING PHILIPPINE SUBSIDIARY, BRANCH, OR LOCALLY
2 SUPERVISED FINANCIAL INSTITUTION OR PARTNER THAT
3 ALREADY ACTS AS THE ENTITY'S PRIMARY CONTACT FOR
4 REGULATORY OR LAW-ENFORCEMENT MATTERS IN THE
5 PHILIPPINES MAY BE DESIGNATED AS THE LEGAL
6 REPRESENTATIVE, PROVIDED IT IS EXPRESSLY AUTHORIZED
7 IN WRITING TO PERFORM THE FUNCTIONS UNDER THIS
8 SECTION.

9
10 THE DESIGNATION SHALL BE REGISTERED WITH THE DOJ-
11 OOC, WITH A COPY FURNISHED TO THE NCC-OSAEC-CSAEM
12 SECRETARIAT, AND, WHERE APPLICABLE, WITH THE
13 SECURITIES AND EXCHANGE COMMISSION (SEC) OR
14 DEPARTMENT OF TRADE AND INDUSTRY (DTI). THE
15 REGISTRATION SHALL INCLUDE THE REPRESENTATIVE'S
16 NAME, ADDRESS, EMAIL, PHONE, AND 24/7 EMERGENCY
17 CONTACT.

18
19 **(D) SCOPE OF AUTHORITY. — THE LEGAL REPRESENTATIVE IS**
20 **EXPRESSLY AUTHORIZED TO:**

- 21
22 **(1) RECEIVE, ACKNOWLEDGE, AND**
23 **RESPOND TO LAWFUL PRESERVATION**
24 **REQUESTS, SUBPOENAS, ORDERS FOR**
25 **PRODUCTION OR DISCLOSURE,**
26 **CYBERCRIME/SEARCH WARRANTS,**
27 **TAKEDOWN/DISABLEMENT**
28 **DIRECTIVES, FREEZING/BLOCKING**
29 **ORDERS, AND OTHER LAW-**
30 **ENFORCEMENT, PROSECUTORIAL, OR**
31 **COURT PROCESSES ISSUED UNDER**
32 **PHILIPPINE LAW;**

1
2 (2) REPRESENT THE FOREIGN ENTITY IN
3 ANY ADMINISTRATIVE, REGULATORY,
4 LEGAL, OR JUDICIAL PROCEEDING IN
5 THE PHILIPPINES RELATED TO THIS
6 ACT AND ALLIED LAWS;
7

8 (3) EXECUTE UNDERTAKINGS, SUBMIT
9 REPORTS, AND FACILITATE
10 COMPLIANCE WITH THIS ACT, ITS IRR,
11 AND DIRECTIVES OF COMPETENT
12 AUTHORITIES; AND
13

14 (4) ACCEPT SERVICE OF PROCESS,
15 INCLUDING ELECTRONIC SERVICE VIA
16 THE OFFICIAL CONTACT DETAILS ON
17 FILE, WHICH SHALL CONSTITUTE
18 VALID AND EFFECTIVE SERVICE UPON
19 THE FOREIGN ENTITY.
20

21 (E) EVIDENTIARY INSTRUMENT. — THE DESIGNATION SHALL
22 BE ACCOMPANIED BY A NOTARIZED/APOSTILLED
23 INSTRUMENT (OR EQUIVALENT CORPORATE
24 AUTHORIZATION) CONFERRING AUTHORITY TO THE
25 REPRESENTATIVE AND BINDING THE FOREIGN ENTITY.
26 ANY LIMITATION OF AUTHORITY SHALL NOT DEFEAT THE
27 EFFECTIVENESS OF SERVICE OR COMPLIANCE
28 OBLIGATIONS UNDER THIS ACT.
29

30 (F) CONTINUITY AND UPDATES. — COVERED ENTITIES SHALL
31 ENSURE CONTINUITY OF REPRESENTATION. CHANGES TO
32 THE REPRESENTATIVE OR CONTACT DETAILS SHALL BE

1 FILED WITHIN FIFTEEN (15) DAYS WITH THE DOJ/NCC-
2 OSAEC-CSAEM AND REFLECTED ON THE ENTITY'S
3 WEBSITE OR APP. VACANCIES SHALL BE FILLED WITHIN
4 THIRTY (30) DAYS.

5
6 (G) RECORDS AND COOPERATION. — THE REPRESENTATIVE
7 SHALL MAINTAIN TAMPER-EVIDENT LOGS OF PROCESSES
8 RECEIVED AND ACTIONS TAKEN FOR FIVE (5) YEARS,
9 ENSURE CONFIDENTIAL HANDLING OF CHILD-VICTIM
10 DATA, AND COOPERATE WITH COMPETENT AUTHORITIES
11 SUBJECT TO DUE PROCESS, DATA-PRIVACY, AND LAWFUL
12 DISCLOSURE STANDARDS.

13
14 (H) NON-COMPLIANCE. — FAILURE TO DESIGNATE OR
15 MAINTAIN A COMPLIANT LEGAL REPRESENTATIVE, OR TO
16 ACCEPT OR ACT UPON VALID SERVICE, CONSTITUTES A
17 VIOLATION SUBJECT TO ADMINISTRATIVE FINES,
18 REMEDIAL DIRECTIVES, AND, WHERE WARRANTED,
19 ANCILLARY MEASURES INCLUDING TEMPORARY
20 RESTRICTION OF ACCESS TO SERVICES UNDER
21 PROCEDURES SET IN THE IRR, WITHOUT PREJUDICE TO
22 CIVIL OR CRIMINAL LIABILITY.

23
24 (I) REGISTRY AND ACCESS. — THE DOJ-OOC SHALL
25 MAINTAIN AN UPDATED ELECTRONIC REGISTRY OF ALL
26 LEGAL REPRESENTATIVES DESIGNATED UNDER THIS
27 SECTION AND SHALL ENSURE THAT THE DOJ NCC-OSAEC-
28 CSAEM SECRETARIAT, AS WELL AS COMPETENT LAW-
29 ENFORCEMENT AGENCIES DESIGNATED IN THE
30 IMPLEMENTING RULES AND REGULATIONS, HAVE
31 CONTINUOUS, TIMELY, AND SECURE ELECTRONIC ACCESS
32 TO SUCH REGISTRY FOR PURPOSES OF IMPLEMENTING

1 **THIS ACT AND ISSUING OR SERVING LAWFUL REQUESTS,**
2 **ORDERS, OR OTHER PROCESSES. "**
3

4 **SECTION 8.** Section 10 of RA No. 11930 is hereby renumbered and amended to read
5 as follows:

6 **"Sec. 11. CRIMINAL SANCTIONS.** — The following penalties shall be
7 imposed on the following offenses:
8

9 (A) Any person who violates Section 4, paragraphs (a), (b), (c), (d), (e), (f),
10 (g), (h), (i), (j), **(K), and (N)** of this Act shall suffer the penalty of life
11 imprisonment and a fine of not less than Two million pesos
12 (P2,000,000.00).
13

14 (B) Any person who violates Section 4, paragraphs **(O)** and **(P)** of this Act
15 shall suffer the penalty of reclusion temporal in its maximum period to
16 reclusion perpetua and a fine of not less than One million pesos
17 (P1,000,000.00) but not more than Two million pesos (P2,000,000.00).
18

19 (C) **ANY PERSON WHO VIOLATES SECTION 4, PARAGRAPHS (L)**
20 **AND (M) OF THIS ACT SHALL SUFFER THE PENALTY OF**
21 **RECLUSIÓN TEMPORAL AND A FINE OF NOT LESS THAN**
22 **₱500,000 BUT NOT MORE THAN ₱2,000,000, PROVIDED THAT**
23 **IF THE SEXUAL ACT DOES NOT OCCUR, THE PENALTY SHALL BE**
24 **PRISIÓN MAYOR AND A FINE OF NOT LESS THAN ₱200,000 BUT**
25 **NOT MORE THAN ₱1,000,000.**
26

27 (D) Any person who violates Section 4, paragraphs **(Q), (R), and (S)** of
28 this Act shall suffer the penalty of reclusion temporal in its maximum
29 period and a fine of not less than Eight hundred thousand pesos
30 (P800,000.00) but not less than One million pesos (P1,000,000.00).
31

1 (E) Any person who violates Section 4, paragraph **(T)** of this Act shall suffer
2 the penalty of reclusion temporal in its medium period and a fine of not
3 less than Five hundred thousand pesos (P500,000.00) but not more than
4 Eight hundred thousand pesos (P800,000.00).

5
6 (F) Any person who violates Section 4, paragraph **(U)** of this Act shall suffer
7 the penalty of reclusion temporal in its minimum period and a fine of not
8 less than Three hundred thousand pesos (P300,000.00) but not more
9 than Five hundred thousand pesos (P500,000.00).

10
11 (G) Any person who violates Section 4, paragraph **(V)** of this Act shall suffer
12 the penalty of reclusion temporal and a fine of not less than Three
13 hundred thousand pesos (P300,000.00);

14
15 (H) Any person who violates Section 4, paragraph **(W)** of this Act shall
16 suffer the penalty of prision mayor in its maximum period and a fine of
17 not less than Two hundred thousand pesos (P200,000.00) but not more
18 than Three hundred thousand pesos (P300,000.00).

19
20 (I) Any person who violates Section 4, paragraph **(X)** of this Act shall suffer
21 the penalty of prision mayor in its medium period and a fine of not less
22 than One hundred thousand pesos (P100,000.00) but not more than
23 Two hundred thousand pesos (P200,000.00).

24
25 (J) Any person who violates Section 6 of this Act shall suffer the penalty of
26 life imprisonment and a fine of not less than Five million pesos
27 (P5,000,000.00) but not more than Twenty million pesos
28 (P20,000,000.00).

29
30 In addition to the above penalties, the following offenders shall be
31 ineligible for parole:
32

- (1) An offender who is a recidivist;
- (2) An offender who is a step-parent or collateral relative within the third (3rd) degree of consanguinity or affinity having control or moral ascendancy over the child; and
- (3) Any offender whose victim died or suffered permanent mental, psychological or physical disability.

Except for the violations of this Act that are penalized with life imprisonment, the frustrated commission of the acts prohibited under Section 4 shall be punishable with the penalty one degree lower than that prescribed under this Act: *Provided*, That attempted commission of the acts prohibited under Section 4 shall be punishable with the penalty two (2) degrees lower than that prescribed under this Act.

Any person found guilty of violating Section 9 of this Act shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than One million two hundred thousand pesos (P1,200,000.00) but not more than Two million pesos (P2,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than Two million pesos (P2,000,000.00) but not more than Three million pesos (P3,000,000.00) and revocation of its license or franchise to operate and the immediate closure of the establishment, when applicable.

Any government official or employee or agent who abuses the authority provided for under Sections 9 and **26** of this Act shall be penalized with imprisonment of *prision mayor* in its maximum period and perpetual disqualification to hold public office, the right to vote and participate in any public election and a fine of not less than Five hundred thousand pesos (P500,000.00). All the benefits due from service in the government of such public officer or employee shall also be forfeited.

1
2 **WHEN THE OFFENDER IS A JURIDICAL PERSON, THE PENALTY**
3 **PRESCRIBED FOR THE OFFENSE UNDER THIS ACT SHALL BE IMPOSED**
4 **UPON ANY OWNER, PARTNER, MEMBER OF THE BOARD OF**
5 **DIRECTORS, TRUSTEE, MANAGER, OR OTHER RESPONSIBLE OFFICER**
6 **WHO:**

7
8 **(1) PARTICIPATED IN THE COMMISSION OF THE CRIME; OR**

9
10 **(2) HAD ACTUAL KNOWLEDGE OF ITS COMMISSION AND,**
11 **HAVING THE AUTHORITY OR DUTY TO PREVENT OR**
12 **REMEDY IT, KNOWINGLY PERMITTED OR TOLERATED**
13 **ITS COMMISSION; OR**

14
15 **(3) IN THE EXERCISE OF REASONABLE DILIGENCE OUGHT**
16 **TO HAVE KNOWN OF ITS COMMISSION AND, THROUGH**
17 **GROSS NEGLIGENCE, FAILED TO PREVENT OR REMEDY**
18 **IT.”**

19
20 **SECTION 9.** A new Section 12 is hereby inserted into RA No. 11930 to read as follows:

21
22 **“Sec. 12. ADMINISTRATIVE SANCTIONS. — WITHOUT PREJUDICE TO**
23 **THE CRIMINAL SANCTIONS PROVIDED IN THIS ACT AND OTHER**
24 **LAWS, THE CONCERNED REGULATORS AND COMPETENT**
25 **AUTHORITIES, AS MAY BE IDENTIFIED IN THE IMPLEMENTING**
26 **RULES AND REGULATIONS (IRR), MAY, AFTER DUE NOTICE AND**
27 **HEARING, IMPOSE ONE OR MORE OF THE FOLLOWING**
28 **ADMINISTRATIVE SANCTIONS AGAINST ANY NATURAL OR**
29 **JURIDICAL PERSON FOUND TO HAVE VIOLATED ANY PROVISION OF**
30 **THIS ACT OR ITS IRR:**

1 **(A) CEASE-AND-DESIST ORDER. — THE ISSUANCE OF A**
2 **CEASE-AND-DESIST ORDER DIRECTING THE**
3 **RESPONDENT TO IMMEDIATELY STOP SPECIFIED ACTS**
4 **OR OMISSIONS IN VIOLATION OF THIS ACT, AND TO**
5 **SUBMIT, WITHIN A REASONABLE PERIOD, A WRITTEN**
6 **REPORT AND SUPPORTING DOCUMENTATION**
7 **DEMONSTRATING COMPLIANCE;**

8
9 **(B) ADMINISTRATIVE FINES. — THE IMPOSITION OF AN**
10 **ADMINISTRATIVE FINE IN AN AMOUNT, RANGE, OR**
11 **SCALE TO BE SPECIFIED IN THE IRR, TAKING INTO**
12 **CONSIDERATION THE ATTENDANT CIRCUMSTANCES,**
13 **SUCH AS:**

14
15 **(1) THE NATURE AND GRAVITY OF THE VIOLATION;**

16
17 **(2) THE DURATION AND FREQUENCY OF THE**
18 **VIOLATION;**

19
20 **(3) THE NUMBER OF CHILDREN AFFECTED OR**
21 **PLACED AT RISK;**

22
23 **(4) THE SIZE, NATURE, AND FINANCIAL CAPACITY**
24 **OF THE PERSON OR ENTITY CONCERNED;**

25
26 **(5) THE DEGREE OF COOPERATION DURING**
27 **INVESTIGATION;**

28
29 **(6) REMEDIAL MEASURES TAKEN;**

30
31 **(7) PREVIOUS ADMINISTRATIVE OR CRIMINAL**
32 **LIABILITY; AND**

1
2 **(8) AND OTHER ANALOGOUS CIRCUMSTANCES;**
3

4 **(C) CENSURE OR FORMAL REPRIMAND. — THE ISSUANCE OF**
5 **A WRITTEN CENSURE OR FORMAL REPRIMAND, WHICH**
6 **MAY BE TAKEN INTO ACCOUNT AS AN AGGRAVATING**
7 **FACTOR IN SUBSEQUENT VIOLATIONS;**
8

9 **(D) SUSPENSION, NON-RENEWAL, OR REVOCATION OF**
10 **PERMITS AND LICENSES. — THE SUSPENSION, NON-**
11 **RENEWAL, OR REVOCATION, IN WHOLE OR IN PART, OF**
12 **PERMITS, LICENSES, AUTHORIZATIONS,**
13 **REGISTRATIONS, ACCREDITATIONS, FRANCHISES, OR**
14 **CERTIFICATES OF AUTHORITY TO OPERATE ISSUED BY**
15 **THE CONCERNED REGULATOR OR LOCAL GOVERNMENT**
16 **UNIT, IN CASES OF SERIOUS, REPEATED, OR WILLFUL**
17 **VIOLATIONS, OR UNJUSTIFIED REFUSAL TO COMPLY**
18 **WITH LAWFUL ORDERS ISSUED UNDER THIS ACT;**
19

20 **(E) RESTRICTION OR BLOCKING OF SPECIFIC SERVICES OR**
21 **ACCESS POINTS. — THE TEMPORARY OR PERMANENT**
22 **LIMITATION, SUSPENSION, OR BLOCKING OF ACCESS TO**
23 **SPECIFIC ACCOUNTS, FEATURES, SERVICES, INTERNET**
24 **ASSETS, URLS, DOMAINS, OR NETWORK ACCESS POINTS**
25 **DEMONSTRABLY USED TO COMMIT OR FACILITATE**
26 **VIOLATIONS OF THIS ACT, TO THE EXTENT TECHNICALLY**
27 **FEASIBLE AND PROPORTIONATE TO THE RISK, WITHOUT**
28 **PREJUDICE TO THE AUTHORITY OF SECTORAL**
29 **REGULATORS SUCH AS THE NTC, BSP, SEC, OR LGUS**
30 **UNDER THEIR RESPECTIVE CHARTERS AND**
31 **REGULATIONS;**
32

1 **(F) INCLUSION IN REGISTRIES. — INCLUSION OF THE**
2 **RESPONDENT, WHERE APPLICABLE AND AFTER**
3 **OBSERVANCE OF THE REQUIREMENTS OF THE RELEVANT**
4 **LAW, IN THE CHILD SEX OFFENDERS REGISTRY AND/OR**
5 **THE BLACKLISTED ALIENS REGISTRY ESTABLISHED**
6 **UNDER THIS ACT AND RELATED ISSUANCES; AND**

7
8 **(G) OTHER ANALOGOUS SANCTIONS. — SUCH OTHER**
9 **ANALOGOUS OR INCIDENTAL ADMINISTRATIVE**
10 **SANCTIONS AS MAY BE PROVIDED IN THE IRR OR**
11 **SECTORAL REGULATIONS, CONSISTENT WITH THE**
12 **OBJECTIVES OF THIS ACT AND WITH DUE PROCESS**
13 **REQUIREMENTS.**

14
15 **IN DETERMINING THE APPROPRIATE SANCTION OR COMBINATION**
16 **OF SANCTIONS, THE REGULATOR OR COMPETENT AUTHORITY SHALL**
17 **BE GUIDED BY THE PRINCIPLES OF NECESSITY AND**
18 **PROPORTIONALITY, TAKING INTO ACCOUNT THE BEST INTERESTS**
19 **OF THE CHILD, THE SERIOUSNESS AND SYSTEMIC NATURE OF THE**
20 **VIOLATION, THE RESPONDENT’S ROLE IN THE OSAEC/CSAEM**
21 **ECOSYSTEM, AND THE NEED TO DETER FUTURE VIOLATIONS.**

22
23 **NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT,**
24 **DIMINISH, OR OTHERWISE PREJUDICE THE EXISTING**
25 **SANCTIONING AND SUPERVISORY POWERS OF REGULATORS SUCH**
26 **AS THE BSP, SEC, NTC, NPC, DEPED, CHED, TESDA, DTI, LGUS, AND**
27 **OTHER COMPETENT AUTHORITIES UNDER THEIR RESPECTIVE**
28 **CHARTERS AND SPECIAL LAWS. THE ADMINISTRATIVE SANCTIONS**
29 **UNDER THIS ACT MAY BE IMPOSED IN ADDITION TO, AND NOT IN**
30 **SUBSTITUTION FOR, ANY SANCTIONS AVAILABLE UNDER SUCH**
31 **OTHER LAWS.”**
32

SECTION 10. Sections 11, 12 and 13 of RA No. 11930 shall be renumbered as Sections 13, 14 and 15 respectively.

SECTION 11. Section 14 of RA No. 11930 is hereby renumbered and amended to read as follows:

"SEC. 16. *Extra-Territorial Jurisdiction.* — The State shall exercise jurisdiction over any act defined and penalized under this Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, if the offense, being a continuing offense, was either commenced in the Philippines; or committed in another country:

Provided, That in the case of the latter, the suspect or accused:

(1) is a Filipino citizen, **OR**

(2) IS A PERMANENT RESIDENT OF THE PHILIPPINES; OR

(3) Has committed the act against a citizen of the Philippines."

SECTION 12. Sections 15 of RA No. 11930 shall be renumbered as Section 16 accordingly.

SECTION 13. Section 16 of RA No. 11930 is hereby renumbered and amended to read as follows:

"Sec. 17. COOPERATION WITH FOREIGN LAW ENFORCEMENT IN OSAEC/CSAEM CASES. - Recognizing the transnational nature of **OSAEC** and **CSAEM**, **PHILIPPINE LAW ENFORCEMENT AGENCIES SHALL, AS PART OF THEIR STANDARD INVESTIGATIVE PROTOCOLS, PROACTIVELY ASSESS WHETHER ANY OSAEC OR CSAEM CASE UNDER INVESTIGATION HAS A FOREIGN NEXUS, INCLUDING BY EXAMINING, WHERE AVAILABLE, IP ADDRESSES, DOMAIN NAMES, FOREIGN-BASED PLATFORMS OR SERVICES USED, FOREIGN PAYMENT CHANNELS OR COUNTERPARTIES, AND OTHER RELEVANT DIGITAL OR FINANCIAL INDICATORS.**

1
2 WHERE THE FACTS INDICATE, OR REASONABLY SUGGEST, A
3 FOREIGN NEXUS, PHILIPPINE LAW ENFORCEMENT AGENCIES MAY,
4 CONSISTENT WITH THIS ACT AND OTHER APPLICABLE LAWS,
5 DIRECTLY EXCHANGE INFORMATION, DIGITAL FORENSIC RESULTS,
6 AND OTHER RELEVANT EVIDENCE WITH COMPETENT FOREIGN LAW-
7 ENFORCEMENT AUTHORITIES, DESIGNATED 24/7 POINTS OF
8 CONTACT, AND INTERNATIONALLY RECOGNIZED HOTLINES OR
9 CLEARINGHOUSES, FOR PURPOSES OF IDENTIFYING AND
10 SAFEGUARDING VICTIMS, IDENTIFYING OFFENDERS, AND
11 CONDUCTING PARALLEL OR JOINT INVESTIGATIONS, WHETHER OR
12 NOT A FORMAL TREATY, BILATERAL AGREEMENT, OR OPERATIONAL
13 ARRANGEMENT IS IN PLACE, AND WITHOUT PREJUDICE TO THE USE
14 OF MUTUAL LEGAL ASSISTANCE TREATY (MLAT) CHANNELS WHERE
15 REQUIRED BY THE LAW OF THE RECEIVING JURISDICTION FOR
16 ADMISSIBILITY OR ENFORCEMENT.

17
18 IT IS HEREBY RECOGNIZED THAT THE CONCEPT OF PERSONAL
19 KNOWLEDGE AS APPLIED IN OSAEC AND CSAEM CASES SHOULD
20 REFLECT THE DIGITAL NATURE OF THESE OFFENSES. THUS, FOR
21 PURPOSES OF APPLYING FOR SEARCH WARRANTS, CYBER
22 WARRANTS, OR OTHER JUDICIAL AUTHORIZATIONS, PERSONAL
23 KNOWLEDGE SHALL BE DEEMED TO INCLUDE THE VERIFIED REVIEW,
24 EXAMINATION AND ANALYSIS BY A COMPETENT PHILIPPINE LAW
25 ENFORCEMENT AUTHORITY OF THE INFORMATION DESCRIBED IN
26 THE PARAGRAPH ABOVE, WHICH INCLUDES CYBER TIPLINE
27 REPORTS FROM THE NATIONAL CENTER FOR MISSING AND
28 EXPLOITED CHILDREN (NCMEC), THE EUROPEAN UNION (EU)
29 CENTRE ON CHILD ABUSE, AND OTHER SIMILAR TIP LINES AND
30 CLEARINGHOUSES, AND MAY SERVE AS THE SOLE BASIS FOR SUCH
31 APPLICATIONS.
32

1 WHERE THE REVIEWED AND ANALYZED INFORMATION
2 TRANSMITTED BY FOREIGN LAW ENFORCEMENT AGENCIES OR
3 NCMEC ESTABLISHES (1) THE IDENTITY OF THE OFFENDER, (2) THAT
4 THE OFFENSE IS CONTINUING IN NATURE, AND THAT (3) DELAY
5 WOULD ENDANGER A CHILD, THE PHILIPPINE LAW ENFORCEMENT
6 OFFICER MAY LAWFULLY EFFECT A WARRANTLESS ARREST ON THE
7 GROUND THAT AN OFFENSE IS BEING COMMITTED, OR HAS JUST
8 BEEN COMMITTED, OR IS ABOUT TO BE COMMITTED, AND THE
9 OFFICER HAS PERSONAL KNOWLEDGE OF FACTS INDICATING THAT
10 THE PERSON TO BE ARRESTED COMMITTED IT.

11
12 NOTWITHSTANDING THE DEFINITION OF A CHILD UNDER SECTION
13 3(A) OF THIS ACT, THE TERM "CHILD" AS USED IN THE PARAGRAPH
14 ABOVE SHALL ONLY REFER TO ONE WHO IS BELOW EIGHTEEN YEARS
15 OF AGE OR AGE EIGHTEEN OR ABOVE BUT IS UNABLE TO FULLY TAKE
16 CARE OF OR PROTECT HIMSELF OR HERSELF FROM ABUSE, NEGLECT,
17 CRUELTY, EXPLOITATION OR DISCRIMINATION, BECAUSE OF
18 PHYSICAL, MENTAL, INTELLECTUAL, OR SENSORY DISABILITY OR
19 CONDITION."

20
21 **SECTION 14.** Section 17 of RA No. 11930 is hereby renumbered and amended to
22 read as follows:

23
24 "Sec. 18. *Authority of Law Enforcement Agencies TO RETAIN AND SHARE*
25 *EVIDENCE IN OSAEC/CSAEM CASES.*

26
27 **(A) RETENTION NOTWITHSTANDING REPUBLIC ACT NO. 10175.**

28 — Notwithstanding the provisions of Sections 15 and 16 of Republic
29 Act No. 10175, **AND ANY CONTRARY LIMITATION IN OTHER**
30 **LAWS, WHENEVER A WARRANT, ORDER, OR OTHER LAWFUL**
31 **PROCESS IS ISSUED IN CONNECTION WITH AN**
32 **INVESTIGATION OR PROSECUTION OF OFFENSES UNDER**

1 **THIS ACT, LAW-ENFORCEMENT AUTHORITIES,** shall be
2 authorized to retain **COPIES OF:**

3
4 **(1) COMPUTER DATA, TRAFFIC DATA, AND CONTENT DATA**
5 **ACQUIRED, SEIZED, DISCLOSED, OR PRODUCED**
6 **PURSUANT TO SUCH PROCESS;**

7
8 **(2) RESULTS OF DIGITAL FORENSIC EXAMINATIONS,**
9 **INCLUDING FORENSIC IMAGES, DERIVED ARTIFACTS,**
10 **AND EXAMINATION REPORTS; AND**

11
12 **(3) OTHER EVIDENCE, WHETHER PHYSICAL, DOCUMENTARY,**
13 **ELECTRONIC, OR DIGITIZED, LAWFULLY OBTAINED IN**
14 **THE COURSE OF THE INVESTIGATION, INCLUDING**
15 **MATERIALS PRODUCED PURSUANT TO SUBPOENA,**
16 **VOLUNTARY CONSENT, PRESERVATION-AND-**
17 **DISCLOSURE REQUESTS, OR OTHER LAWFUL**
18 **MECHANISMS.**

19
20 **(B) PERMISSIBLE USES— RETAINED EVIDENCE UNDER THIS**
21 **SECTION MAY BE USED, WITHIN AND OUTSIDE THE**
22 **PHILIPPINES, TO:**

23
24 **(1) IDENTIFY, LOCATE, AND SAFEGUARD ADDITIONAL CHILD**
25 **VICTIMS, AS WELL AS POTENTIAL VICTIMS AT RISK;**

26
27 **(2) IDENTIFY, LOCATE, AND BUILD CASES AGAINST**
28 **SUSPECTS, CO-CONSPIRATORS, FACILITATORS, AND**
29 **OTHER OFFENDERS;**

30
31 **(3) CONDUCT FURTHER INVESTIGATION, FINANCIAL**
32 **TRACING, CASE BUILD-UP, AND DECONFLICTION ACROSS**

1 RELATED CASES OR REFERRALS; AND

2
3 (4) SUPPORT CRIMINAL INVESTIGATIONS, PROSECUTIONS,
4 FORFEITURE OR FREEZING PROCEEDINGS, AND RELATED
5 JUDICIAL OR ADMINISTRATIVE PROCEEDINGS IN THE
6 PHILIPPINES AND, WHERE A FOREIGN NEXUS HAS BEEN
7 DETERMINED PURSUANT TO SECTION 17 OF THIS ACT.
8

9 (C) THE CHIEF OF THE WOMEN AND CHILDREN PROTECTION
10 CENTER OF THE PHILIPPINE NATIONAL POLICE
11 INVESTIGATING OSAEC-CSAEM CASES MAY ISSUE
12 SUBPOENA *AD TESTIFICANDUM* AND SUBPOENA *DUCES*
13 *TECUM* IN RELATION TO ITS INVESTIGATION ON
14 VIOLATIONS OF THIS ACT. THE SUBPOENA SHALL STATE THE
15 NATURE AND PURPOSE OF THE INVESTIGATION; SHALL BE
16 DIRECTED TO THE PERSON WHOSE ATTENDANCE IS
17 REQUIRED. AND IN THE CASE OF A SUBPOENA *DUCES*
18 *TECUM*, IT SHALL ALSO CONTAIN A REASONABLE
19 DESCRIPTION OF THE DATA, DOCUMENTS OR THINGS
20 DEMANDED WHICH MUST BE RELEVANT TO THE
21 INVESTIGATION.
22

23 (D) CROSS-BORDER SHARING FOR INVESTIGATIVE AND
24 EVIDENTIARY USE. — WHERE LAW-ENFORCEMENT
25 AUTHORITIES DETERMINE THAT AN OSAEC AND/OR CSAEM
26 CASE HAS A FOREIGN NEXUS, THEY MAY DIRECTLY SHARE
27 RETAINED EVIDENCE, INCLUDING DIGITAL EVIDENCE AND
28 CERTIFIED COPIES THEREOF, WITH COMPETENT FOREIGN
29 LAW-ENFORCEMENT AUTHORITIES OR DESIGNATED 24/7
30 POINTS OF CONTACT FOR USE IN INVESTIGATIONS OR
31 JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS ABROAD,
32 SUBJECT TO THE FOLLOWING SAFEGUARDS:

1
2 **a. PHILIPPINE AUTHORITIES SHALL MAINTAIN AND PRESERVE**
3 **CHAIN-OF-CUSTODY RECORDS AND, WHERE NECESSARY,**
4 **PROVIDE CERTIFICATIONS OR ATTESTATIONS**
5 **CONCERNING AUTHENTICITY, PROVENANCE, INTEGRITY,**
6 **AND MANNER OF COLLECTION REQUIRED FOR**
7 **ADMISSIBILITY IN THE RECEIVING JURISDICTION;**
8

9 **b. THE RECEIVING AUTHORITY SHALL BE INFORMED THAT THE**
10 **MATERIALS ARE FURNISHED FOR THE SPECIFIC**
11 **INVESTIGATION OR PROCEEDING IDENTIFIED IN THE**
12 **TRANSMITTAL, AND PHILIPPINE AUTHORITIES SHALL**
13 **REQUEST USE-LIMITATIONS, CONFIDENTIALITY**
14 **UNDERTAKINGS, AND CHILD-PROTECTION SAFEGUARDS**
15 **CONSISTENT WITH APPLICABLE LAW; AND**
16

17 **c. PERSONALLY IDENTIFIABLE INFORMATION OF CHILDREN AND**
18 **SENSITIVE VICTIM DATA SHALL BE PROTECTED; REDACTIONS,**
19 **PSEUDONYMIZATION, OR OTHER PROTECTIVE MEASURES**
20 **SHALL BE APPLIED WHERE CONSISTENT WITH INVESTIGATIVE**
21 **NEEDS, DUE PROCESS, AND CHILD-PROTECTION**
22 **REQUIREMENTS.**
23

24 **DIRECT SHARING OF EVIDENCE UNDER THIS SUBSECTION**
25 **SHALL NOT BE CONDITIONED ON THE PRIOR EXISTENCE OF,**
26 **OR PRIOR REQUEST UNDER, A MUTUAL LEGAL ASSISTANCE**
27 **TREATY (MLAT), AGREEMENT, OR SIMILAR INSTRUMENT,**
28 **WITHOUT PREJUDICE TO SUBSEQUENT FORMALIZATION OR**
29 **SUPPLEMENTARY TRANSMISSION THROUGH SUCH CHANNELS**
30 **WHERE REQUIRED BY THE LAW OF THE RECEIVING STATE.**
31

32 **(E) DOMESTIC SHARING AND PARALLEL USE. — RETAINED**

1 EVIDENCE MAY LIKEWISE BE SHARED AMONG COMPETENT
2 PHILIPPINE LAW-ENFORCEMENT AGENCIES, OTHER
3 GOVERNMENT AGENCIES MANDATED TO INVESTIGATE OR
4 ASSIST IN THE INVESTIGATION OF OSAEC AND CSAEM
5 CASES, AND GOVERNMENT PROSECUTORS HANDLING
6 RELATED CASES, FOR PARALLEL INVESTIGATIONS AND
7 PROSECUTIONS, VICTIM-IDENTIFICATION, FINANCIAL
8 TRACING, AND DECONFLICTION, SUBJECT TO APPLICABLE
9 CONFIDENTIALITY, DATA-PROTECTION, AND EVIDENTIARY
10 RULES.

11
12 (F) RETENTION PERIOD AND DISPOSITION. —EVIDENCE
13 RETAINED UNDER THIS SECTION SHALL BE KEPT ONLY FOR
14 AS LONG AS IS REASONABLY NECESSARY FOR THE
15 PURPOSES SET OUT IN PARAGRAPH (B) OF THIS SECTION,
16 OR AS OTHERWISE REQUIRED BY APPLICABLE LAW,
17 PRESCRIPTION PERIODS, OR COURT ORDERS. UPON THE
18 LAPSE OF SUCH PERIOD, AND SUBJECT TO PRESERVATION
19 OBLIGATIONS IN PENDING PROCEEDINGS, SECURE
20 DELETION, ARCHIVAL UNDER CONTROLLED ACCESS, OR
21 OTHER LAWFUL DISPOSITION SHALL BE UNDERTAKEN,
22 WITH DUE REGARD TO CHILD-PROTECTION AND THE NEED
23 TO PREVENT RE-VICTIMIZATION.

24
25 (G) IMPLEMENTING RULES. — WITHIN ONE HUNDRED TWENTY
26 (120) DAYS FROM THE EFFECTIVITY OF THIS ACT, THE
27 DEPARTMENT OF JUSTICE, IN COORDINATION WITH THE
28 NCC-OSAEC-CSAEM SECRETARIAT, NBI, PNP, AND OTHER
29 INVESTIGATIVE BODIES CONCERNED, SHALL ISSUE RULES
30 AND STANDARD OPERATING PROCEDURES TO IMPLEMENT
31 THIS SECTION, INCLUDING:
32

1 **a. STANDARD TEMPLATES FOR CERTIFICATIONS AND**
2 **ATTESTATIONS ACCOMPANYING SHARED EVIDENCE;**

3
4 **b. MINIMUM CHAIN-OF-CUSTODY AND DOCUMENTATION**
5 **REQUIREMENTS FOR RETAINED AND TRANSMITTED**
6 **EVIDENCE;**

7
8 **c. GUIDANCE ON MINIMIZATION, REDACTION, AND OTHER**
9 **PROTECTIVE MEASURES FOR CHILD-VICTIM DATA; AND**

10
11 **d. PROTOCOLS FOR SECURE STORAGE, ACCESS CONTROL,**
12 **LOGGING, AND EVENTUAL DISPOSITION OF RETAINED**
13 **EVIDENCE.**

14
15 **THE AUTHORITY OF LAW ENFORCEMENT AGENCIES TO RETAIN AND**
16 **SHARE EVIDENCE UNDER THIS SECTION SHALL BE IMMEDIATELY**
17 **OPERATIVE UPON THE EFFECTIVITY OF THIS ACT AND SHALL NOT BE**
18 **DELAYED OR SUSPENDED BY THE NON-ISSUANCE OR DELAYED**
19 **ISSUANCE OF THE IMPLEMENTING RULES AND PROCEDURES.**
20 **PENDING SUCH ISSUANCE, LAW ENFORCEMENT AGENCIES SHALL**
21 **EXERCISE THIS AUTHORITY IN ACCORDANCE WITH THIS ACT.**

22
23 **THESE RULES SHALL BE DESIGNED TO FACILITATE TIMELY, SECURE,**
24 **AND ADMISSIBLE USE OF EVIDENCE IN OSAEC AND CSAEM CASES,**
25 **BOTH DOMESTICALLY AND IN COOPERATION WITH FOREIGN**
26 **AUTHORITIES, WITHOUT UNNECESSARILY DELAYING OPERATIONAL**
27 **SHARING NEEDED TO RESCUE CHILDREN OR DISRUPT OFFENDERS."**

28
29 **SECTION. 15.** A new Section 19 is hereby inserted into RA No. 11930 to read as
30 follows:
31

1 **"Sec. 19. INTER-AGENCY INFORMATION-SHARING IN OSAEC AND**
2 **CSAEM CASES. —**

3
4 **(A) COVERAGE. — THIS SECTION APPLIES TO LAW-**
5 **ENFORCEMENT AGENCIES, PROSECUTION OFFICES, AND**
6 **OTHER INVESTIGATIVE BODIES MANDATED BY LAW TO**
7 **INVESTIGATE, ASSIST IN THE INVESTIGATION OF, OR**
8 **PROSECUTE OSAEC AND/OR CSAEM CASES, AS MAY BE**
9 **IDENTIFIED IN THE IMPLEMENTING RULES AND**
10 **REGULATIONS (IRR). NOTHING IN THIS SECTION SHALL**
11 **BE CONSTRUED TO AMEND OR LIMIT THE SPECIALIZED**
12 **INFORMATION-SHARING FRAMEWORKS APPLICABLE TO**
13 **THE ANTI-MONEY LAUNDERING COUNCIL (AMLC) UNDER**
14 **THE ANTI-MONEY LAUNDERING ACT OF 2001 (AMLA)**
15 **AND SECTION 36 OF THIS ACT.**

16
17 **(B) DUTY TO SHARE RELEVANT INFORMATION. — SUBJECT**
18 **TO THEIR RESPECTIVE MANDATES AND LAWFUL**
19 **RESTRICTIONS, THE ENTITIES MENTIONED IN THE**
20 **PRECEDING PARAGRAPH SHALL, ON THEIR OWN**
21 **INITIATIVE OR UPON REQUEST, SHARE WITH ONE**
22 **ANOTHER TIMELY AND RELEVANT INFORMATION,**
23 **INTELLIGENCE, REFERRALS, AND ANALYTICAL**
24 **PRODUCTS REASONABLY NECESSARY FOR: (1) CHILD**
25 **PROTECTION AND RESCUE; (2) DETECTION,**
26 **INVESTIGATION, AND CASE BUILD-UP; (3)**
27 **IDENTIFICATION OF VICTIMS AND OFFENDERS; AND (4)**
28 **THE PREPARATION AND CONDUCT OF PROSECUTIONS**
29 **UNDER THIS ACT AND RELATED LAWS.**
30

1 **(C) MODALITIES, INCLUDING PICACC. — INFORMATION-**
2 **SHARING UNDER THIS SECTION MAY BE EFFECTED**
3 **THROUGH:**

4
5 **(1) DIRECT BILATERAL OR MULTILATERAL COORDINATION;**

6
7 **(2) THE COORDINATING ROLE OF THE NCC-OSAEC-CSAEM**
8 **SECRETARIAT, INCLUDING THROUGH ITS NATIONAL**
9 **DATABASES AND CASE-TRACKING SYSTEMS; AND**

10
11 **(3) FOR CASES WITH A FOREIGN NEXUS, THROUGH THE**
12 **PHILIPPINE INTERNET CRIMES AGAINST CHILDREN**
13 **CENTER (PICACC), CONSISTENT WITH ITS MANDATE AND**
14 **IRR. THE IRR SHALL SPECIFY THE MINIMUM DATA**
15 **ELEMENTS, STANDARD FORMATS, TIMELINES, AND FOCAL**
16 **POINTS FOR SUCH EXCHANGES.**

17
18 **(D) IMPLEMENTING RULES. — THE DOJ, THROUGH THE NCC-**
19 **OSAEC-CSAEM SECRETARIAT, IN COORDINATION WITH**
20 **CONCERNED LAW-ENFORCEMENT AGENCIES AND**
21 **PROSECUTION OFFICES, SHALL ISSUE DETAILED**
22 **PROTOCOLS TO IMPLEMENT THIS SECTION WITHIN ONE**
23 **HUNDRED TWENTY (120) DAYS FROM EFFECTIVITY OF**
24 **THIS ACT. THE DUTIES AND AUTHORITIES IN THIS**
25 **SECTION, HOWEVER, SHALL BE IMMEDIATELY EFFECTIVE**
26 **UPON EFFECTIVITY OF THIS ACT AND SHALL NOT BE**
27 **DEPENDENT ON THE PRIOR ISSUANCE OF SUCH**
28 **PROTOCOLS.”**

29
30 **SECTION 16.** A new Section 20 is hereby inserted into RA No. 11930 to read as
31 follows:
32

1 **"Sec. 20. HANDLING OF CYBERTIPLINE REPORTS AND INTERNATIONAL**
2 **CHILD-PROTECTION HOTLINES. —**

3
4 **(A) SCOPE. — THIS SECTION SHALL APPLY TO REPORTS, REFERRALS,**
5 **OR NOTIFICATIONS RELATING TO OSAEC AND/OR CSAEM**
6 **TRANSMITTED BY FOREIGN OR INTERNATIONAL CHILD-**
7 **PROTECTION HOTLINES, CLEARINGHOUSES, SPECIALIZED**
8 **DATABASES, OR SIMILAR ENTITIES THAT FUNCTION AS**
9 **CENTRALIZED REPORTING OR TRIAGE HUBS FOR CHILD SEXUAL**
10 **ABUSE OR EXPLOITATION MATERIAL, INCLUDING BUT NOT**
11 **LIMITED TO THE NATIONAL CENTER FOR MISSING AND**
12 **EXPLOITED CHILDREN (NCMEC) CYBERTIPLINE OR THEIR**
13 **SUCCESSORS.**

14
15 **(B) NATIONAL CLEARINGHOUSE; POINT-OF-CONTACT. — CONSISTENT**
16 **WITH THIS ACT, THE NCC–OSAEC–CSAEM SECRETARIAT SHALL**
17 **SERVE AS THE NATIONAL POINT-OF-CONTACT AND**
18 **CLEARINGHOUSE FOR OSAEC AND CSAEM REPORTS COVERED BY**
19 **THIS SECTION FOR PURPOSES OF RECEIPT, LOGGING, TRIAGING,**
20 **RISK ASSESSMENT, DE-DUPLICATION, NATIONAL-LEVEL**
21 **DECONFLICTION, REFERRAL, MONITORING, AND ANALYTICS,**
22 **SUBJECT TO APPLICABLE CONFIDENTIALITY, DATA-PRIVACY, AND**
23 **INFORMATION-SECURITY RULES.**

24
25 **(C) CONTINUITY OF EXISTING TRANSMISSION CHANNELS; NON-**
26 **DIMINUTION OF DOJ–OOC FUNCTIONS. — WHERE, PURSUANT TO**
27 **EXISTING ARRANGEMENTS OR PRACTICE, REPORTS COVERED BY**
28 **THIS SECTION ARE TRANSMITTED TO THE DEPARTMENT OF**
29 **JUSTICE–OFFICE OF CYBERCRIME (DOJ–OOC), SUCH RECEIPT**
30 **SHALL CONTINUE WITHOUT PREJUDICE TO THE DOJ–OOC’S**
31 **FUNCTIONS UNDER REPUBLIC ACT NO. 10175 AND OTHER**
32 **APPLICABLE LAWS, INCLUDING ITS ROLE AS CENTRAL AUTHORITY**

1 **FOR INTERNATIONAL MUTUAL ASSISTANCE AND EXTRADITION IN**
2 **CYBERCRIME MATTERS.**

3
4 **(D) TIMELY SHARING WITH NCC–OSAEC–CSAEM SECRETARIAT. — ALL**
5 **OSAEC/CSAEM-SPECIFIC REPORTS, REFERRALS, OR**
6 **NOTIFICATIONS RECEIVED BY THE DOJ–OOC UNDER THIS**
7 **SECTION SHALL BE MADE AVAILABLE TO THE NCC–OSAEC–CSAEM**
8 **SECRETARIAT THROUGH TIMELY AND DIRECT ACCESS AND/OR**
9 **TRANSMISSION, TOGETHER WITH AVAILABLE METADATA AND**
10 **ATTACHMENTS REASONABLY NECESSARY FOR TRIAGE, DE-**
11 **DUPLICATION, CASE INITIATION, AND MONITORING, WITHOUT**
12 **NEED OF FURTHER CLEARANCE OR CASE-BY-CASE APPROVAL,**
13 **SUBJECT ONLY TO APPLICABLE CONFIDENTIALITY, DATA-**
14 **PRIVACY, AND INFORMATION-SECURITY RULES. SUCH ACCESS**
15 **AND/OR TRANSMISSION SHALL BE EFFECTED WITHIN TWENTY-**
16 **FOUR (24) HOURS FROM RECEIPT, OR SOONER WHERE**
17 **PRACTICABLE.**

18
19 **(E) SHARED SYSTEM AND ANALYTICS — THE DOJ–OOC AND THE NCC–**
20 **OSAEC–CSAEM SECRETARIAT SHALL ESTABLISH AND MAINTAIN**
21 **SECURE, AUDITABLE, AND, WHERE PRACTICABLE, AUTOMATED**
22 **MECHANISMS THAT ENABLE THE NCC–OSAEC–CSAEM**
23 **SECRETARIAT TO HAVE TIMELY AND DIRECT ACCESS TO**
24 **OSAEC/CSAEM-SPECIFIC REPORTS AND DATA RECEIVED UNDER**
25 **THIS SECTION, INCLUDING THROUGH SHARED CASE-**
26 **MANAGEMENT SYSTEMS, DASHBOARDS, OR DATA FEEDS, SUBJECT**
27 **TO APPLICABLE AGREEMENTS WITH FOREIGN OR**
28 **INTERNATIONAL PARTNERS.**

29
30 **(F) JOINT TRIAGE, ASSIGNMENT, AND COORDINATION. — THE DOJ–**
31 **OOC AND THE NCC–OSAEC–CSAEM SECRETARIAT SHALL JOINTLY**
32 **UNDERTAKE THE TRIAGE, PRIORITIZATION, AND NATIONAL-**

1 **LEVEL DECONFLICTION, AND ASSIGNMENT OF SUCH REFERRALS**
2 **AND REPORTS TO APPROPRIATE LAW ENFORCEMENT UNITS. THE**
3 **DOJ NCC–OSAEC–CSAEM SECRETARIAT SHALL PROVIDE RISK**
4 **ASSESSMENTS, PRIORITIZATION CRITERIA, AND COORDINATION**
5 **INPUTS, AND SHALL MONITOR THE HANDLING AND DISPOSITION**
6 **OF SUCH REFERRALS IN ACCORDANCE WITH THIS ACT AND**
7 **RELATED LAWS.**

8
9 **(G) ENGAGEMENT WITH CHILD-PROTECTION CLEARINGHOUSES. —**
10 **NOTHING IN THIS ACT OR IN REPUBLIC ACT NO. 10175 SHALL BE**
11 **CONSTRUED TO PREVENT THE NCC–OSAEC–CSAEM SECRETARIAT,**
12 **IN COORDINATION WITH THE DOJ–OOC OR THE DEPARTMENT OF**
13 **FOREIGN AFFAIRS (DFA), FROM ENTERING INTO AGREEMENTS**
14 **WITH FOREIGN OR INTERNATIONAL CHILD-PROTECTION**
15 **HOTLINES, CLEARINGHOUSES, SPECIALIZED DATABASES, OR**
16 **SIMILAR ENTITIES TO RECEIVE OSAEC/CSAEM-SPECIFIC**
17 **REFERRALS OR ANALYTICAL PRODUCTS DIRECTLY, CONSISTENT**
18 **WITH APPLICABLE INTERNATIONAL OBLIGATIONS, DOMESTIC**
19 **LAW, AND DATA-PROTECTION STANDARDS.**

20
21 **(H) IMPLEMENTING RULES. — WITHIN ONE HUNDRED TWENTY (120)**
22 **DAYS FROM THE EFFECTIVITY OF THIS ACT, THE DOJ–OOC AND**
23 **THE NCC–OSAEC–CSAEM SECRETARIAT, IN COORDINATION WITH**
24 **THE PNP, NBI, AND OTHER CONCERNED AGENCIES, SHALL ISSUE**
25 **JOINT RULES SPECIFYING, AMONG OTHERS:**

26
27 **(1) MINIMUM DATA FIELDS AND FORMATS;**

28
29 **(2) TIMELINES AND ESCALATION CRITERIA FOR**
30 **TRIAGE AND ASSIGNMENT;**

31
32 **(3) MECHANISMS FOR DECONFLICTION AND**

1 **FEEDBACK; AND**

2

3 **(4) SAFEGUARDS FOR THE PROTECTION OF SENSITIVE**

4 **DATA.**

5

6 **THE DUTIES AND AUTHORITIES IN PARAGRAPHS (B) TO (E) SHALL,**

7 **HOWEVER, BE IMMEDIATELY EFFECTIVE UPON THE EFFECTIVITY OF**

8 **THIS ACT AND SHALL NOT BE DEPENDENT ON THE PRIOR ISSUANCE**

9 **OF SUCH RULES."**

10

11 **SECTION 17.** Section 18 of RA No. 11930 is hereby renumbered to Section 21

12 accordingly.

13

14 **SECTION 18.** Section 19 of RA No. 11930 is hereby renumbered and amended to

15 read as follows:

16

17 **"Sec. 22. Jurisdiction.** — Jurisdiction over **CRIMINAL** cases for the violation

18 of this Act shall be vested in the Family Court which has territorial jurisdiction

19 over the place where the offense or any of its essential elements was committed

20 pursuant to Republic Act No. 8369, otherwise known as the "Family Courts Act

21 of 1997," *Provided,* That the court shall not require the presence of a child

22 victim during the trial and that the child shall testify in accordance with "Rule

23 on Examination of a Child Witness," as may be provided by the Supreme Court

24 and the Rules of Court.

25

26 **JURISDICTION OVER ADMINISTRATIVE ACTIONS FOR VIOLATION**

27 **OF THIS ACT SHALL BE VESTED WITH THE CONCERNED REGULATORY**

28 **AGENCIES."**

29

30 **SECTION 19.** Section 20 of RA No. 11930 is hereby renumbered to Section 23

31 accordingly.

SECTION 20. Section 21 of RA No. 11930 is hereby renumbered and amended to read as follows:

"Sec. 24. 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) xxx

(B) xxx

(C) xxx to the following:

(1) xxx;

(2) xxx;

(3) xxx;

(4) xxx;

(5) xxx; and

(6) xxx.

THE RECORDED INTERVIEW OF A CHILD MAY BE VIEWED FOR ACADEMIC OR RESEARCH PURPOSES, PROVIDED THAT WRITTEN INFORMED CONSENT IS OBTAINED FROM BOTH THE CHILD, WHEN DEVELOPMENTALLY APPROPRIATE, AND THE CHILD'S PARENT OR LEGAL GUARDIAN. ALL INFORMATION THAT COULD IDENTIFY THE CHILD SHOULD BE FULLY ANONYMIZED OR REDACTED. THE CHILD OR NON-OFFENDING PARENT OR GUARDIAN SHALL ALSO HAVE THE RIGHT TO REQUEST DELETION OF THE RECORDING AT ANY TIME, AND SUCH REQUEST SHALL BE HONORED PROMPTLY IN ACCORDANCE WITH APPLICABLE DATA PROTECTION STANDARDS. THE VIEWING OF RECORDED INTERVIEWS IS USED SOLELY FOR EDUCATIONAL OR SCHOLARLY PURPOSES AND IS NOT REPRODUCED, PUBLISHED, OR DISTRIBUTED WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE CHILD AND PARENT OR GUARDIAN.

1 (D) xxx

2 (E) xxx"

3
4 **SECTION 21.** Section 22 of RA No. 11930 is hereby renumbered and amended to
5 read as follows:

6
7 **"Sec. 25.** *Applicability of Juvenile Justice and Welfare Act, as Amended.* — In
8 cases where the offender is a child, the prosecution of the offense shall be in
9 accordance with Republic Act No. 9344, otherwise known as the "Juvenile
10 Justice and Welfare Act of 2006," as amended, and the child shall be accorded
11 the appropriate treatment and services under the said law: *Provided,* That in
12 cases of **FIRST-PERSON PRODUCED CSAEMs**, the child producing the
13 sexualized materials shall be considered as a victim and not as an offender.
14 The child victim shall be accorded the necessary treatment and services under
15 this Act and in existing laws."

16
17 **SECTION 22.** Sections 23, 24, 25, 26 and 27 of RA No. 11930 are hereby renumbered
18 as Sections 26, 27, 28, 29 and 30 respectively.

19
20 **SECTION 23.** Section 28 of RA No. 11930 is hereby renumbered and amended to
21 read as follows:

22
23 **"Sec. 31.** *Programs for Victims of Child Sexual Abuse or Exploitation.* — The
24 National **COORDINATING COUNCIL** against OSAEC and CSAEM created
25 under **SECTION 33** of this Act shall develop and implement the necessary
26 programs that will prevent any form of child sexual abuse or exploitation, as
27 well as protect, heal and reintegrate the child or children into the mainstream
28 of society. Such programs shall include the:

- 29
30 (a) provision of mandatory services including counselling, free legal services,
31 medical or psychological services, livelihood and skills training and
32 educational assistance to the child or children and their families;

- 1
- 2 (b) sponsorship of a national research program on OSAEC and CSAEM and the
- 3 establishment of a data collection system for monitoring and evaluation
- 4 purpose;
- 5
- 6 (c) provision of necessary technical and material support services to
- 7 appropriate government agencies and nongovernment organizations
- 8 (NGOs);
- 9
- 10 (d) sponsorship of conferences and seminars to provide a venue for
- 11 consensus building amongst the public, the academe, government,
- 12 nongovernment and international organizations;
- 13
- 14 (e) promotion of **SUSTAINED, AGE-APPROPRIATE, CULTURALLY**
- 15 **SENSITIVE, AND EVIDENCE-BASED INFORMATION,**
- 16 **AWARENESS, AND EDUCATION PROGRAMS ON SAFE AND**
- 17 **RESPONSIBLE ONLINE BEHAVIOR, DIGITAL SAFETY, AND THE**
- 18 **PREVENTION OF OSAEC AND CSAEM, IN PARTNERSHIP WITH**
- 19 **RELEVANT GOVERNMENT AGENCIES, SCHOOLS, PARENTS,**
- 20 **COMMUNITY ORGANIZATIONS, AND ONLINE SERVICE**
- 21 **PROVIDERS; and**
- 22
- 23 (f) Provision of programs developed for purposes of intervention and
- 24 diversion, as well as rehabilitation of the child victim, for reintegration into
- 25 the family of the child or community.
- 26

27 **TOWARDS THIS END, THE IMPLEMENTING RULES AND**

28 **REGULATIONS (IRR) OF THIS ACT SHALL INCLUDE, AMONG OTHER**

29 **OTHERS, THE PROGRAMS AND SERVICES OF VARIOUS GOVERNMENT**

30 **AGENCIES AND RELEVANT STAKEHOLDERS, EMPHASIZING THE**

31 **PREVENTIVE, PROTECTIVE, AND REHABILITATIVE PROGRAMS FOR**

32 **VICTIMS OF OSAEC-CSAEM."**

SECTION 24. Section 29 of RA No. 11930 is hereby renumbered and amended to read as follows:

"Sec. 32. *Reasonable Accommodation for Children with Disabilities.* — The DOJ and the DSWD shall develop **AND UPDATE THE** guidelines, pursuant to the UN Convention on the Rights of Persons with Disabilities, for the provision, as far as practicable, of necessary and appropriate modification and adjustments across all stages of case management of OSAEC cases to ensure children with disabilities will have access to justice.

The Supreme Court shall, in accordance with its rules and the UN Convention on the Rights of Persons with Disabilities, issue guidelines for the provision, as far as practicable, of necessary and appropriate modification and adjustments across all stages of case management of OSAEC and CSAEM cases to ensure children with disabilities will have access to justice.

THE NATIONAL COUNCIL ON DISABILITY AFFAIRS (NCDA) SHALL LEAD THE IMPLEMENTATION OF THE GUIDELINES ISSUED, DEVELOPED AND UPDATED UNDER THIS SECTION."

SECTION 25. Section 30 of RA No. 11930 is hereby renumbered and amended to read as follows:

"Sec. 33. *The National COORDINATING COUNCIL against OSAEC and CSAEM.* — There is hereby established a **NATIONAL COORDINATING COUNCIL AGAINST OSAEC AND CSAEM (NC-OSAEC-CSAEM), WITH THE SECRETARY OF THE DEPARTMENT OF JUSTICE AS CHAIRPERSON AND THE SECRETARY OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT AS CO-CHAIRPERSON. THE COMPOSITION AND MEMBERS OF THE NCC-OSAEC-CSAEM SHALL BE DETERMINED**

1 **UNDER THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF**
2 **THIS ACT.”**

3
4 **SECTION 26.** A new Section 34 is hereby inserted into RA No. 11930 to read as follows:
5

6 **“Sec. 34. *FUNCTIONS OF THE NCC-OSAEC-CSAEM.* THE NCC-OSAEC-**
7 **CSAEM SHALL PERFORM THE FOLLOWING POWERS AND FUNCTIONS:**
8

9 **(A) PROGRAM DEVELOPMENT AND IMPLEMENTATION. –**

10 Develop and implement the necessary programs that will prevent
11 the commission of OSAEC and CSAEM, as well as protect, heal and
12 reintegrate the child into the mainstream of society. Such programs
13 shall include the following:
14

15 (1) Provision of mandatory services including emergency shelter or
16 appropriate housing such as foster care or kinship care
17 arrangements, counselling, free legal services, medical or
18 psychological services, as well as support services including
19 community-based rehabilitation, livelihood and skills training,
20 educational assistance to the child, sustained supervision, and
21 follow-through mechanisms that will track the progress of recovery,
22 rehabilitation, and reintegration of the child;
23

24 (2) Sponsorship of a national research program on OSAEC and CSAEM
25 and the establishment of a data collection system for monitoring
26 and evaluation purposes;
27

28 (3) Development and implementation of sustained, gender-responsive,
29 and effective communication, education, and information
30 campaigns at the national, local, and community levels using all
31 forms of media, aimed at promoting a working understanding of
32 the law and situating it in the larger context of women and

children's rights;

(4) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE OF A COMPREHENSIVE MONITORING, RESEARCH, AND DATA MANAGEMENT SYSTEM/DATABASE TO ENSURE THE SYSTEMATIC, TIMELY, SECURE, AND INTEROPERABLE COLLECTION, VALIDATION, STORAGE, AND ANALYSIS OF DATA ON ALL MATTERS RELEVANT TO OSAEC AND CSAEM, INCLUDING:

(i) CASE AND REFERRAL FLOW AND OUTCOMES, INCLUDING INBOUND AND OUTBOUND REFERRALS AND OTHER CASES WITH FOREIGN NEXUS (REPORTS RECEIVED; INVESTIGATIONS; PROSECUTIONS; COURT STATUS AND DISPOSITIONS; AND KEY TIMELINES);

(ii) PROFILES AND PATTERNS (VICTIM-SURVIVOR AND OFFENDER/ACCUSED DEMOGRAPHICS AND OTHER RISK INDICATORS, DISAGGREGATED AS APPROPRIATE BY SEX/GENDER, AGE, NATIONALITY, AND AREA);

(iii) TECHNOLOGY AND MODUS OPERANDI INDICATORS, INCLUDING COMMONLY USED PLATFORMS/APPLICATIONS/SERVICES AND PAYMENT CHANNELS;

(iv) SERVICES RENDERED AND OUTCOMES FOR VICTIMS-SURVIVORS (REFERRALS, TIMELINESS/CONTINUITY OF CARE, AND REINTEGRATION INDICATORS); AND

1
2 (v) **PROGRAM AND POLICY EFFECTIVENESS**
3 **(COVERAGE, PERFORMANCE, AND EVALUATION**
4 **FINDINGS TO GUIDE PLANNING, RESOURCING,**
5 **AND IMPROVEMENTS).**
6

7 **THE SYSTEM MAY INCLUDE A CENTRALIZED REPORTING AND**
8 **TRIAGE PORTAL TO RECEIVE, DE-CONFLICT, PRIORITIZE, AND**
9 **ROUTE REPORTS AND REFERRALS, INCLUDING FROM FOREIGN**
10 **COUNTERPARTS AND COVERED INTERMEDIARIES, CONSISTENT**
11 **WITH CHILD-SENSITIVE SAFEGUARDS.**
12

13 **THE SYSTEM SHALL ADOPT HARMONIZED MINIMUM DATASETS AND**
14 **DATA STANDARDS, AND SHALL INCLUDE APPROPRIATE ACCESS**
15 **CONTROLS, AUDIT TRAILS, AND CHILD-SENSITIVE DATA**
16 **PROTECTION MEASURES.**
17

18 (5) Establishment of a point-of-contact and coordination system with
19 international organizations for the receipt of reports on OSAEC and
20 CSAEM; and
21

22 (6) Promotion of information, awareness, and education campaigns
23 regarding safe and responsible use of the internet in relation to
24 OSAEC and CSAEM to educate the public, including children;
25

26 **(B) POLICY FUNCTIONS. - PRESCRIBE AND ADOPT RULES,**
27 **REGULATIONS, GUIDELINES, AND MEASURES NECESSARY TO**
28 **CARRY OUT THE PURPOSES OF THIS ACT, INCLUDING PROPOSED**
29 **JOINT CIRCULARS AND IMPLEMENTING RULES WITH**
30 **CONCERNED AGENCIES;**
31

32 **(C) INTERNAL GOVERNANCE. – PRESCRIBE, ADOPT, ISSUE AND**

1 ENACT SUCH INTERNAL RULES, RESOLUTIONS AND ISSUANCES
2 NECESSARY FOR THE EFFECTIVE PERFORMANCE OF ITS
3 MANDATES AND EFFICIENT ADMINISTRATION OF ITS AFFAIRS,
4 INCLUDING THE APPROVAL AND PERIODIC REVIEW OF A MULTI-
5 YEAR NATIONAL STRATEGIC ACTION PLAN ON OSAEC AND
6 CSAEM;

7
8 **(D) DELEGATION.** — DELEGATE ANY OF ITS POWERS TO THE NCC-
9 OSAEC-CSAEM SECRETARIAT EXECUTIVE DIRECTOR AND/OR
10 OTHER OFFICERS AS IT MAY DEEM APPROPRIATE SO AS TO
11 EXPEDITE THE ADMINISTRATION OF ITS AFFAIRS;

12
13 **(E) COORDINATION OF MULTI-AGENCY MECHANISMS.** —
14 PROVIDE STRATEGIC DIRECTION AND COORDINATION FOR
15 MULTI-AGENCY MECHANISMS CREATED UNDER THIS ACT,
16 INCLUDING NATIONAL REFERRAL PATHWAYS, DATA-
17 HARMONIZATION EFFORTS, AND INFORMATION-SHARING
18 ARRANGEMENTS, WITHOUT PREJUDICE TO THE STATUTORY
19 MANDATES AND OPERATIONAL INDEPENDENCE OF
20 PARTICIPATING AGENCIES; AND

21
22 **(F) RESIDUAL AUTHORITY.** — EXERCISE ALL THE POWERS AND
23 PERFORM SUCH OTHER FUNCTIONS NECESSARY TO ATTAIN THE
24 PURPOSES AND OBJECTIVES OF THIS ACT.”

25
26 **SECTION 27.** Section 31 of RA No. 11930 is hereby renumbered and amended to
27 read as follows:

28
29 **“Sec. 35. Secretariat.** — the NCC-OSAEC-CSAEM shall have its own secretariat
30 **TO PROVIDE TECHNICAL, ADMINISTRATIVE, AND OPERATIONAL**
31 **SUPPORT FOR THE FUNCTIONS, PROGRAMS, AND PROJECTS OF THE**
32 **NCC-OSAEC-CSAEM AND SHALL HAVE THE FOLLOWING FUNCTIONS:**

1
2 **(A) PROGRAM IMPLEMENTATION — ENSURE EFFECTIVE AND**
3 **EFFICIENT PERFORMANCE OF FUNCTIONS AND PROMPT**
4 **IMPLEMENTATION OF OBJECTIVES, POLICIES, PLANS AND**
5 **PROGRAMS OF THE NCC-OSAEC-CSAEM;**
6

7 **(B) COORDINATION. — COORDINATE AND MONITOR THE**
8 **IMPLEMENTATION OF THE PROGRAMS, POLICIES, AND**
9 **GUIDELINES PROMULGATED BY THE NCC-OSAEC-CSAEM;**
10

11 **(C) DATA AND INFORMATION SYSTEMS - MAINTAIN AND**
12 **MANAGE AN INTEGRATED SET OF MONITORING, CASE-**
13 **MANAGEMENT, AND POLICY-RELEVANT DATABASES AND**
14 **INFORMATION SYSTEMS ENVISIONED IN SECTION 34 OF**
15 **THIS ACT, INCLUDING SUCH REGISTRIES AND**
16 **BLACKLISTS AS MAY BE CREATED UNDER THIS ACT, AS**
17 **WELL AS OTHER DATASETS NECESSARY FOR TREND**
18 **ANALYSIS, RISK ASSESSMENT, PROGRAM DESIGN, AND**
19 **IMPACT MONITORING. THE SECRETARIAT SHALL ENSURE**
20 **THE SECURITY, INTEGRITY, INTEROPERABILITY, AND**
21 **CONTROLLED ACCESS OF THESE SYSTEMS IN**
22 **ACCORDANCE WITH THE DATA PRIVACY ACT AND OTHER**
23 **RELEVANT LAWS;**
24

25 **(D) REFERRAL PATHWAYS AND POINT-OF-CONTACT. —**
26 **OVERSEE THE NATIONAL REFERRAL PATHWAY**
27 **PROTOCOLS FOR OSAEC AND CSAEM, AND OPERATE OR**
28 **SUPPORT THE POINT-OF-CONTACT AND COORDINATION**
29 **SYSTEM ENVISIONED IN SECTION 34 OF THIS ACT FOR**
30 **THE RECEIPT, TRIAGING, AND REFERRAL OF REPORTS**
31 **FROM INTERNATIONAL AND DOMESTIC PARTNERS;**
32

1 **(E) INVESTIGATIVE ASSISTANCE. — PROVIDE ASSISTANCE TO**
2 **LAW-ENFORCEMENT AGENCIES, PROSECUTORS, AND**
3 **OTHER COMPETENT AUTHORITIES IN THE**
4 **INVESTIGATION AND PROSECUTION OF OSAEC AND**
5 **CSAEM CASES, INCLUDING OPEN-SOURCE INTELLIGENCE**
6 **(OSINT), DATA ANALYSIS, DIGITAL FORENSIC**
7 **CAPABILITIES FOR LAWFULLY OBTAINED ELECTRONIC**
8 **EVIDENCE, SUCH AS FORENSIC IMAGING, EXAMINATION,**
9 **HASH-MATCHING, DATA RECOVERY, AND OTHER**
10 **SPECIALIZED TECHNIQUES, AND THE AUTHORITY TO**
11 **ISSUE EXPEDITIOUS PRESERVATION REQUESTS OR**
12 **ORDERS TO SERVICE PROVIDERS AND RELEVANT PRIVATE**
13 **ENTITIES, WITHOUT PREJUDICE TO THE STATUTORY**
14 **MANDATES AND OPERATIONAL POWERS OF THE PNP, NBI,**
15 **AND OTHER COMPETENT AUTHORITIES;**

16
17 **(F) COMPLIANCE MONITORING SUPPORT. — ACT AS A**
18 **CENTRAL COORDINATION HUB, IN COOPERATION WITH**
19 **THE DOJ-OOC, BSP, NTC, NPC, AMLC, AND OTHER**
20 **RELEVANT REGULATORS, FOR THE MONITORING OF**
21 **COMPLIANCE OF INTERNET INTERMEDIARIES, PAYMENT**
22 **SYSTEM PROVIDERS, AND OTHER PRIVATE-SECTOR**
23 **ENTITIES WITH THEIR DUTIES UNDER THIS ACT,**
24 **WITHOUT PREJUDICE TO THE SUPERVISORY AND**
25 **ENFORCEMENT POWERS OF SUCH REGULATORS;**

26
27 **(G) SECRETARIAT TO MULTI-AGENCY BODIES. — PROVIDE**
28 **SECRETARIAT, RECORDS-KEEPING, AND OTHER**
29 **ADMINISTRATIVE AND TECHNICAL SERVICES TO THE**
30 **NCC-OSAEC-CSAEM, AND, AS MAY BE DESIGNATED, TO**
31 **OTHER MECHANISMS CREATED UNDER THIS ACT;**
32

1 **(H) RESEARCH, COMMUNICATIONS, AND REPORTING. —**
2 **SUPPORT THE NATIONAL RESEARCH PROGRAM,**
3 **COMMUNICATION, EDUCATION, AND INFORMATION**
4 **CAMPAIGNS, AND DATA COLLECTION ENVISIONED IN**
5 **SECTION 34 OF THIS ACT ; AND SUBMIT PERIODIC**
6 **REPORTS TO THE NCC-OSAEC-CSAEM, THROUGH THE**
7 **CHAIR, ON THE PROGRESS OF OBJECTIVES, POLICIES,**
8 **PLANS, AND PROGRAMS UNDER THIS ACT;**

9
10 **(I) RESOURCE PLANNING. — PROPOSE EFFECTIVE**
11 **ALLOCATIONS OF RESOURCES FOR IMPLEMENTING**
12 **OBJECTIVES, POLICIES, PLANS, AND PROGRAMS,**
13 **INCLUDING RECOMMENDATIONS ON THE USE OF ANY**
14 **TRUST FUND OR SPECIAL ACCOUNT ESTABLISHED UNDER**
15 **THIS ACT TO SUPPORT PREVENTION, ENFORCEMENT,**
16 **DIGITAL-FORENSIC, DATA, AND VICTIM-SUPPORT**
17 **CAPACITIES;**

18
19 **(J) ETHICAL CLEARANCE. — EVALUATE, PROCESS AND ISSUE**
20 **THE REQUISITE ETHICAL CLEARANCE FOR THE LAWFUL**
21 **ACCESS, POSSESSION, OR RECORDING OF ANY CSAEM OR**
22 **RECORDED INTERVIEW OF A CHILD FOR LEGITIMATE**
23 **POLICY, SCHOLARLY AND ACADEMIC PURPOSES, IN**
24 **RELATION TO SECTION 8 OF THIS ACT ON THE SAFE**
25 **HARBOR EXCEPTION; AND**

26
27 **(K) RESIDUAL FUNCTIONS. — PERFORM SUCH OTHER**
28 **FUNCTIONS AS MAY BE NECESSARY OR INHERENT TO THE**
29 **FOREGOING, OR AS MAY BE DIRECTED BY THE NCC-**
30 **OSAEC-CSAEM OR THE SECRETARY OF JUSTICE,**
31 **CONSISTENT WITH THIS ACT.”**
32

1 **SECTION** A new Section 36 is hereby inserted into RA No. 11930 to read as follows:

2
3 **"Sec. 36. EXECUTIVE DIRECTOR OF THE NCC-OSAEC-CSAEM**
4 **SECRETARIAT. – THE NCC-OSAEC-CSAEM SECRETARIAT SHALL BE**
5 **HEADED BY AN EXECUTIVE DIRECTOR WHO SHALL BE APPOINTED BY**
6 **THE SECRETARY OF JUSTICE, UPON RECOMMENDATION OF THE NCC-**
7 **OSAEC-CSAEM.**

8
9 **THE EXECUTIVE DIRECTOR MUST POSSESS AND DEMONSTRATED**
10 **SUBSTANTIAL KNOWLEDGE, TRAINING, AND EXPERIENCE IN ANTI-**
11 **OSAEC AND CSAEM WORK, AND AT LEAST ONE (1) OF THE**
12 **FOLLOWING FIELDS: LAW OR PROSECUTION; LAW ENFORCEMENT;**
13 **INFORMATION AND COMMUNICATIONS TECHNOLOGY OR**
14 **CYBERSECURITY; SOCIAL WORK OR CHILD PROTECTION; OR**
15 **RELATED FIELDS RELEVANT TO THE IMPLEMENTATION OF THIS ACT.**

16
17 **THE EXECUTIVE DIRECTOR SHALL BE UNDER THE SUPERVISION OF**
18 **THE SECRETARY OF JUSTICE, AND SHALL PERFORM THE FOLLOWING**
19 **FUNCTIONS:**

20
21 **(A) ACT AS THE ADMINISTRATIVE HEAD OF THE SECRETARIAT,**
22 **AND DIRECT AND MANAGE ITS AFFAIRS, PERSONNEL, AND**
23 **RESOURCES, SUBJECT TO EXISTING CIVIL SERVICE AND**
24 **BUDGETARY LAWS AND REGULATIONS;**

25
26 **(B) ADVISE AND ASSIST THE NCC-OSAEC-CSAEM, THROUGH ITS**
27 **CHAIR, IN FORMULATING AND IMPLEMENTING THE OBJECTIVES,**
28 **POLICIES, PLANS, AND PROGRAMS UNDER THIS ACT, INCLUDING**
29 **THOSE INVOLVING THE MOBILIZATION AND COORDINATION OF**
30 **RELEVANT GOVERNMENT OFFICES, TASK FORCES, AND**
31 **MECHANISMS AT THE NATIONAL AND REGIONAL LEVELS;**
32

1 **(C) OVERSEE ALL OPERATIONAL ACTIVITIES OF THE**
2 **SECRETARIAT, INCLUDING:**

3
4 **(1) THE ESTABLISHMENT, MAINTENANCE, AND SECURITY OF**
5 **NCC-OSAEC-CSAEM DATA SYSTEMS AND REGISTRIES**
6 **ENVISIONED UNDER THIS ACT;**

7 **(2) THE DEVELOPMENT AND IMPLEMENTATION OF DIGITAL-**
8 **FORENSICS, OPEN-SOURCE INTELLIGENCE (OSINT), AND**
9 **OTHER TECHNICAL CAPABILITIES NECESSARY TO SUPPORT**
10 **INVESTIGATION, PROSECUTION, AND POLICY-MAKING;**
11 **AND**

12 **(3) THE SUPERVISION OF REGIONAL OFFICES OF THE**
13 **SECRETARIAT, WHERE ESTABLISHED;**

14
15 **(D) ENSURE EFFECTIVE SUPPORT TO LAW-ENFORCEMENT**
16 **AGENCIES, PROSECUTORS, COURTS, AND SERVICE PROVIDERS IN**
17 **THE INVESTIGATION, PROSECUTION, AND AFTERCARE OF OSAEC**
18 **AND CSAEM CASES, INCLUDING THE ISSUANCE AND**
19 **IMPLEMENTATION, ON BEHALF OF THE NCC-OSAEC-CSAEM, OF**
20 **PRESERVATION REQUESTS OR ORDERS TO SERVICE PROVIDERS**
21 **AND OTHER OPERATIONAL DIRECTIVES AS MAY BE AUTHORIZED**
22 **UNDER THIS ACT AND ITS IMPLEMENTING RULES AND**
23 **REGULATIONS;**

24
25 **(E) REPRESENT, OR DESIGNATE APPROPRIATE OFFICIALS OF THE**
26 **SECRETARIAT IN INTER-AGENCY BODIES AND COORDINATION**
27 **MECHANISMS ESTABLISHED UNDER THIS ACT, INCLUDING**
28 **THOSE RELATING TO FINANCIAL INTELLIGENCE, INFORMATION**
29 **SHARING, DIGITAL FORENSICS, AND INTERNATIONAL**
30 **COOPERATION, SUBJECT TO THE DIRECTION AND POLICIES OF**
31 **THE NCC-OSAEC-CSAEM;**
32

1 (F)ISSUE SUCH INTERNAL GUIDELINES, MEMORANDA, AND
2 STANDARD OPERATING PROCEDURES AS MAY BE NECESSARY FOR
3 THE EFFICIENT AND COORDINATED PERFORMANCE OF THE
4 SECRETARIAT’S FUNCTIONS UNDER THIS ACT; AND

5
6 (G) PERFORM SUCH OTHER FUNCTIONS AS THE NCC-OSAEC-
7 CSAEM MAY ASSIGN, OR AS MAY BE NECESSARY, INCIDENTAL, OR
8 RELATED TO THE EFFECTIVE PERFORMANCE OF THE FOREGOING,
9 CONSISTENT WITH THIS ACT.”

10
11 **SECTION 29.** A new Section 37 is hereby inserted into RA No. 11930 to read as
12 follows:

13
14 “**Sec. 37. REGIONAL PRESENCE. — REGIONAL OFFICES UNDER THE**
15 **SECRETARIAT SHALL BE ESTABLISHED TO STRENGTHEN THE**
16 **IMPLEMENTATION OF THIS ACT AND ENSURE RESPONSIVE**
17 **COORDINATION AT ALL LEVELS, SUBJECT TO THE AVAILABILITY OF**
18 **FUNDS AND CONSISTENT WITH THE GENERAL APPROPRIATIONS**
19 **ACT.**

20
21 **THE REGIONAL OFFICES SHALL, WITHIN THEIR RESPECTIVE AREAS**
22 **OF JURISDICTION, PERFORM THE FOLLOWING FUNCTIONS:**

23
24 (A) SERVE AS THE REGIONAL COORDINATION HUB FOR THE
25 IMPLEMENTATION OF NCC-OSAEC-CSAEM PROGRAMS
26 AND POLICIES, INCLUDING REFERRAL PATHWAYS, DATA
27 COLLECTION, AND SUPPORT TO REGIONAL AND LOCAL
28 INTER-AGENCY MECHANISMS;

29
30 (B) PROVIDE OPERATIONAL SUPPORT TO LAW-
31 ENFORCEMENT AGENCIES, PROSECUTORS, LOCAL
32 GOVERNMENT UNITS AND OTHER COMPETENT

1 **AUTHORITIES IN THE INVESTIGATION, PROSECUTION,**
2 **AND AFTERCARE OF OSAEC AND CSAEM CASES,**
3 **CONSISTENT WITH THE MANDATES OF THE**
4 **SECRETARIAT UNDER THIS ACT; AND**

5
6 **(C) PERFORM SUCH OTHER FUNCTIONS AS MAY BE ASSIGNED**
7 **BY THE NCC-OSAEC-CSAEM THROUGH THE SECRETARIAT,**
8 **CONSISTENT WITH THIS ACT.**

9
10 **THE SECRETARY OF JUSTICE, AS CHAIR OF THE NCC-OSAEC-CSAEM**
11 **AND UPON RECOMMENDATION OF THE EXECUTIVE DIRECTOR,**
12 **SHALL DETERMINE THE NUMBER, LOCATION, ORGANIZATIONAL**
13 **STRUCTURE, AND STAFFING PATTERN OF THE SECRETARIAT AND ITS**
14 **REGIONAL OFFICES AND SHALL APPOINT THE ORGANIC PERSONNEL**
15 **THEREOF, SUBJECT TO CIVIL SERVICE LAWS, RULES, AND**
16 **REGULATIONS, AND TO THE APPROVAL OF THE DEPARTMENT OF**
17 **BUDGET AND MANAGEMENT (DBM). THE APPROVED**
18 **ORGANIZATIONAL STRUCTURE AND STAFFING PATTERN SHALL BE**
19 **REFLECTED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.”**

20
21 **SECTION 30.** Sections 32 and 33 of RA No. 11930 are hereby renumbered as Sections
22 38 and 39 respectively.

23
24 **SECTION 31.** Section 34 of RA No. 11930 is hereby renumbered and amended to
25 read as follows:

26
27 **“Sec. 40. *Blacklisting of Alien CHILD-SEX OFFENDERS AND HIGH-RISK***
28 ***FOREIGN NATIONALS.*** — In coordination with the Department of Foreign
29 Affairs (DFA), the Bureau of Immigration (BI) and the DOJ shall ensure that all
30 convicted offenders of **OSAEC, CSAEM, AND OTHER SEXUAL OFFENSES**
31 or similar, equivalent, or **RELATED** crimes in other jurisdictions, or those aliens
32 reported to or being monitored by Philippine **AND FOREIGN** law enforcement

1 authorities for conducting OSAEC, CSAEM **OR OTHER SEXUAL OFFENSES,**
2 **OR THOSE ALIENS WHO POSE A SERIOUS RISK OF COMMITTING**
3 **OSAEC, CSAEM OFFENSES, OR OTHER SEXUAL OFFENSES INVOLVING**
4 **CHILDREN,** shall not be allowed **TO ENTER OR REMAIN** in the Philippines.

5
6 In addition to its data system collection and database functions under
7 **SECTION 34,** the NCC-OSAEC-CSAEM **SECRETARIAT** shall create and
8 maintain an updated registry of blacklisted aliens based on the information from
9 the DFA, BI, **DOJ-NATIONAL PROSECUTION SERVICE, DOJ-OOC, DOJ-**
10 **LEGAL, LOCAL AND FOREIGN LAW ENFORCEMENT AUTHORITIES,**
11 **FOREIGN OR INTERNATIONAL CHILD-PROTECTION PARTNERS,**
12 **INTERNATIONAL CLEARINGHOUSES AND CYBERTIPLINES, FOREIGN**
13 **SEX OFFENDER REGISTRIES OR EQUIVALENT DATABASES, INTERPOL**
14 **NOTICES, AND SUCH OTHER RELIABLE INFORMATION, INCLUDING**
15 **OPEN-SOURCE MATERIALS SUCH AS OFFICIAL PUBLIC REGISTRIES,**
16 **COURT DECISIONS, AND REPORTS FROM REPUTABLE NEWS OR**
17 **MEDIA ORGANIZATIONS, AS MAY BE FURTHER DEFINED IN THE IRR.**

18
19 **FOR THIS PURPOSE, AND WITHOUT PREJUDICE TO OTHER GROUNDS**
20 **FOR EXCLUSION OR DEPORTATION UNDER EXISTING LAWS, THE BI,**
21 **IN COORDINATION WITH THE DOJ AND DFA, MAY DENY ENTRY,**
22 **CANCEL OR REFUSE VISA ISSUANCE OR RENEWAL, OR ORDER THE**
23 **EXCLUSION OR DEPORTATION OF ALIENS INCLUDED IN THE**
24 **BLACKLIST.**

25
26 **WITHIN ONE HUNDRED TWENTY (120) DAYS FROM THE**
27 **EFFECTIVITY OF THIS ACT, THE BI, DOJ, PNP, NBI, DOJ-OOC, IN**
28 **COORDINATION WITH THE NCC-OSAEC-CSAEM SECRETARIAT**
29 **SHALL PROMULGATE THE IMPLEMENTING RULES AND REGULATIONS**
30 **(IRR) FOR THIS SECTION, WHICH SHALL PRESCRIBE A DETAILED**
31 **CRITERIA AND PROCEDURES FOR INCLUSION, REVIEW, AND**
32 **POSSIBLE REMOVAL FROM THE BLACKLISTED ALIENS REGISTRY,**

1 **INCLUDING: (1) STANDARDS OF CREDIBLE INFORMATION AND**
2 **MINIMUM VERIFICATION; (2) COORDINATION AND DATA-**
3 **EXCHANGE PROTOCOLS BETWEEN NCC-OSAEC-CSAEM SECRETARIAT**
4 **AND OTHER RELEVANT AGENCIES AND ENTITIES (3) APPROPRIATE**
5 **DUE-PROCESS AND PRIVACY SAFEGUARDS, WITHOUT PREJUDICE TO**
6 **THE PARAMOUNT CONSIDERATION OF CHILD SAFETY AND THE**
7 **PREVENTION OF OSAEC AND CSAEM. "**
8

9 **SECTION 32.** Section 36 of RA No. 11930 is hereby renumbered and amended to
10 read as follows:
11

12 **"Sec. 41. *Authorized Sharing of Information.*** – The Anti-Money Laundering
13 Council (AMLC) shall share information relating to activities prohibited under
14 this Act with the NCC-OSAEC-CSAEM, **THROUGH ITS SECRETARIAT**, for the
15 purpose of **INVESTIGATING** and prosecuting offenders alleged to have
16 committed such activities.
17

18 **THE NCC-OSAEC-CSAEM, AMLC, BSP, LEAS, AND [OTHER RELEVANT**
19 **AGENCIES] SHALL CLOSELY COORDINATE ON THEIR RESPECTIVE**
20 **ANTI-OSAEC/ANTI-CSAEM PROGRAMS, ALIGNMENT OF POLICIES**
21 **AND REGULATIONS, RISK ASSESSMENTS AND STUDIES, AND**
22 **CAPACITY-BUILDING INITIATIVES.**
23

24 **THE DETAILS AND PARAMETERS OF SUCH INFORMATION SHARING,**
25 **SHALL INCLUDE:**
26

- 27 (a) **THE TYPES AND CATEGORIES OF INFORMATION THAT MAY BE**
28 **SHARED;**
29 (b) **THE MANNER, FORMAT, AND TIMELINES FOR SHARING;**
30
31 (c) **THE SAFEGUARDS TO ENSURE CONFIDENTIALITY, DATA-**
32 **PRIVACY, AND INFORMATION SECURITY; AND**

1 (d) THE CONDITIONS AND LIMITS FOR ANY ONWARD
2 SHARING BY THE NCC-OSAEC-CSAEM SECRETARIAT, BY
3 AMLA-COVERED INSTITUTIONS, AND BY BSP SUPERVISED
4 INSTITUTIONS.

5
6 A REAL-TIME RISK MANAGEMENT OSAEC PORTAL SHALL BE
7 ESTABLISHED BY THE NCC-OSAEC-CSAEM, THROUGH ITS
8 SECRETARIAT, AND THE RELEVANT LEAs, IN COORDINATION WITH
9 THE AMLC AND THE BSP, WITH REAL-TIME OR NEAR-REAL TIME
10 INTELLIGENCE ON EMERGING EXPLOITATION TRENDS,
11 INFORMATION AND DIGITAL FOOTPRINTS OF INDIVIDUALS
12 INVESTIGATED, SUSPECTED OR CONVICTED UNDER THIS ACT, AND
13 VERIFIED MALICIOUS PAYMENT ENDPOINTS. THIS INFORMATION
14 WILL BE DISSEMINATED TO THE FINANCIAL INTERMEDIARIES
15 THROUGH THE PORTAL.

16
17 RECIPROCALLY, FINANCIAL INSTITUTIONS SHALL SHARE DATA ON
18 SUSPICIOUS BEHAVIORAL PATTERNS AND OSAEC INDICATORS TO
19 REFINE LAW ENFORCEMENT TARGETING.

20
21 THE IMPLEMENTING RULES AND REGULATIONS FOR THIS SECTION
22 SHALL BE JOINTLY ISSUED BY THE AMLC, BSP, AND THE NCC-OSAEC-
23 CSAEM SECRETARIAT, IN COORDINATION AND/OR CONSULTATION
24 WITH LAW ENFORCEMENT AGENCIES, FINANCIAL INTERMEDIARIES
25 AS DEFINED IN THIS ACT, AND OTHER RELEVANT GOVERNMENT
26 ENTITIES AND STAKEHOLDERS SHALL BE ISSUED WITHIN ONE YEAR
27 FROM ENACTMENT OF THIS LAW.”

28
29 **SECTION 33.** Section 37 of RA No. 11930 is hereby renumbered and amended to
30 read as follows:
31

1 **"Sec. 42. CREATION OF THE PHILIPPINE CHILD SEX OFFENDERS'**
2 **REGISTRY. A PHILIPPINE CHILD SEX OFFENDERS REGISTRY FOR**
3 **BOTH FILIPINO NATIONALS AND FOREIGNERS SHALL BE CREATED**
4 **AND LODGED IN THE NCC-OSAEC-CSAEM.**

5
6 **(A) COVERAGE AND INTER-RELATED OFFENSES. — THE**
7 **REGISTRY SHALL COVER ADULT INDIVIDUALS**
8 **CONVICTED OF (I) OFFENSES UNDER THIS ACT, AND (II)**
9 **OTHER SEXUAL OFFENSES AGAINST CHILDREN,**
10 **WHETHER COMMITTED IN-PERSON OR ONLINE, AND**
11 **WHETHER TECHNOLOGY-FACILITATED OR NOT, IN**
12 **RECOGNITION THAT OFFLINE CHILD SEXUAL ABUSE AND**
13 **ONLINE SEXUAL ABUSE AND EXPLOITATION ARE INTER-**
14 **RELATED AND MAY INVOLVE THE SAME OFFENDER**
15 **BEHAVIORS, GROOMING PATTERNS, AND**
16 **VICTIMIZATION PATHWAYS.**

17
18 **FOR PURPOSES OF THIS SECTION, "OTHER SEXUAL**
19 **OFFENSES AGAINST CHILDREN" REFERS TO OFFENSES**
20 **WHERE THE VICTIM IS A CHILD AND THE ACT**
21 **CONSTITUTES SEXUAL ABUSE, SEXUAL EXPLOITATION,**
22 **OR SEXUAL VIOLENCE, INCLUDING BUT NOT LIMITED TO**
23 **ACTS PENALIZED UNDER THE REVISED PENAL CODE AND**
24 **SPECIAL LAWS ON CHILD SEXUAL ABUSE AND**
25 **EXPLOITATION, EVEN WHEN THE COMMISSION OF THE**
26 **OFFENSE DOES NOT INVOLVE THE USE OF INFORMATION**
27 **AND COMMUNICATIONS TECHNOLOGY. THE IRR SHALL**
28 **PROVIDE THE SPECIFIC LIST OF COVERED OFFENSES**
29 **AND THE OPERATIONAL CROSS-REFERENCES.**

30
31 **(B) MINIMUM INFORMATION. — THE REGISTRY SHALL**
32 **CONTAIN, AT A MINIMUM, INFORMATION NECESSARY**

**FOR IDENTIFICATION, RISK MANAGEMENT, AND CHILD
SAFEGUARDING, INCLUDING:**

- (1) NAME, DATE OF BIRTH, AND GOVERNMENT
IDENTIFICATION NUMBERS, INCLUDING PHILSYS
NUMBER IF AVAILABLE;**
- (2) ADDRESSES AND CURRENT EMPLOYMENT, OCCUPATION,
OR BUSINESS;**
- (3) REMOTE COMMUNICATION IDENTIFIERS USED FOR
ONLINE OR ELECTRONIC COMMUNICATIONS;**
- (4) FINGERPRINTS AND RECENT PHOTOGRAPH;**
- (5) DISTINGUISHING MARKS, INCLUDING TATTOOS, SCARS,
OR PERMANENT MARKS;**
- (6) PASSPORTS AND IMMIGRATION DOCUMENTS, WHEN
APPLICABLE;**
- (7) INTERNATIONAL TRAVEL INFORMATION, WHEN
REQUIRED BY THE IRR;**
- (8) PROFESSIONAL LICENSES, WHEN APPLICABLE;**
- (9) AFFILIATIONS WITH ORGANIZATIONS THAT HAVE CHILD
MEMBERSHIP OR CHILD PARTICIPATION; AND**
- (10) COMPLETE CRIMINAL HISTORY AND SUCH OTHER
RELEVANT INFORMATION NECESSARY FOR PROPER
REGISTRATION AND SAFEGUARDING.**

1
2 **(C) MANDATORY COURT TRANSMITTAL. — ALL TRIAL COURTS**
3 **SHALL, WITHIN A PERIOD TO BE PRESCRIBED IN THE IRR,**
4 **TRANSMIT TO THE NCC-OSAEC-CSAEM, THROUGH THE**
5 **SECRETARIAT, COPIES OF DECISIONS, ORDERS,**
6 **RESOLUTIONS, AND ENTRIES OF JUDGMENT INVOLVING**
7 **OFFENSES COVERED BY THIS SECTION, USING A**
8 **STANDARD REPORTING TEMPLATE.**
9

10 **(D) UPDATING AND VERIFICATION. — THE REGISTRY SHALL**
11 **BE REGULARLY UPDATED. THE IRR SHALL PRESCRIBE**
12 **INITIAL REGISTRATION, PERIODIC IN-PERSON**
13 **VERIFICATION, AND CHANGE- OF-INFORMATION**
14 **REPORTING REQUIREMENTS.**
15

16 **(E) TIER CLASSIFICATION AND MONITORING. — THE NCC-**
17 **OSAEC-CSAEM SHALL ADOPT A TIERED CLASSIFICATION**
18 **FRAMEWORK FOR REGISTRY SUBJECTS, BASED ON**
19 **SERIOUSNESS OF OFFENSE AND OTHER RISK FACTORS, TO**
20 **GUIDE MONITORING INTENSITY, VERIFICATION**
21 **FREQUENCY, AND ELIGIBILITY FOR DELISTING, AS**
22 **PROVIDED IN THE IRR.**
23

24 **(F) DELISTING AND REINSTATEMENT. — THE IRR SHALL**
25 **PRESCRIBE CRITERIA AND PROCEDURES FOR DELISTING,**
26 **INCLUDING RISK ASSESSMENT, DUE PROCESS**
27 **SAFEGUARDS, AND REINSTATEMENT UPON VIOLATION OF**
28 **DELISTING CONDITIONS OR COMMISSION OF SPECIFIED**
29 **OFFENSES. DELISTED RECORDS MAY BE RETAINED AS**
30 **INACTIVE RECORDS SUBJECT TO STRICT ACCESS**
31 **CONTROLS, FOR CHILD SAFEGUARDING PURPOSES.**
32

1 **(G) ACCESS, DISCLOSURE, AND SAFEGUARDS. — THE**
2 **REGISTRY SHALL NOT BE PUBLIC. IN ACCORDANCE WITH**
3 **THE DATA PRIVACY ACT OF 2012, THE NCC-OSAEC-CSAEM**
4 **MAY RELEASE RELEVANT INFORMATION NECESSARY TO**
5 **PROTECT CHILDREN FROM DANGER CONCERNING A**
6 **SPECIFIC PERSON REQUIRED TO REGISTER UNDER THIS**
7 **SECTION. THE IRR SHALL PRESCRIBE ROLE-BASED**
8 **ACCESS, AUDIT LOGGING, INFORMATION SECURITY**
9 **REQUIREMENTS, AND CONDITIONS AND LIMITS FOR**
10 **ONWARD SHARING, INCLUDING LINKAGE TO**
11 **INTERNATIONAL LAW ENFORCEMENT.**

12
13 **(H) CHILD SAFEGUARDING UTILIZATION AND**
14 **DISQUALIFICATION. — THE REGISTRY SHALL BE USED**
15 **NOT ONLY FOR INVESTIGATION AND PROSECUTION**
16 **SUPPORT BUT ALSO FOR CHILD SAFEGUARDING AND**
17 **PREVENTION, THROUGH A REGULATED SYSTEM OF**
18 **SAFEGUARDS-BASED USE, INCLUDING:**

19
20 **(1) A REGISTRY CLEARANCE REQUIREMENT FOR ADULTS IN**
21 **CHILD-FACING ROLES WITHIN CHILD-SERVING**
22 **INSTITUTIONS, THAT MAY BE INTEGRATED WITHIN**
23 **EXISTING LAW ENFORCEMENT CLEARANCE MECHANISMS**
24 **SUCH AS THAT ISSUED BY THE NBI OR THE PNP, AND THAT**
25 **DISQUALIFIES ANY ADULT INCLUDED IN THE REGISTRY**
26 **FROM BEING EMPLOYED, ENGAGED OR DESIGNATED IN**
27 **ANY CHILD-SERVING INSTITUTION, OR IN ANY ROLE**
28 **POSITION OR ACTIVITY INVOLVING REGULAR DIRECT**
29 **CHILD CONTACT;**

30
31 **(2) GUIDANCE FOR CHILD-SERVING INSTITUTIONS ON HOW**
32 **TO USE REGISTRY CLEARANCE RESULTS IN**

1 RECRUITMENT, DEPLOYMENT DECISIONS, SUPERVISION
2 PLANNING, AND RISK CONTROLS FOR ROLES WITH CHILD
3 CONTACT;

4
5 (3) COORDINATION PROTOCOLS ENABLING DESIGNATED
6 SAFEGUARDING OFFICERS, LICENSING BODIES, AND
7 REGULATORS TO USE REGISTRY OUTPUTS FOR
8 PROTECTIVE ACTIONS, CONSISTENT WITH DUE PROCESS
9 AND LAWFUL MANDATES;

10
11 (4) MANDATORY SAFEGUARDS TO PREVENT MISUSE,
12 INCLUDING RESTRICTIONS AGAINST PUBLIC POSTING,
13 HARASSMENT, VIGILANTISM, AND DISCRIMINATORY USE
14 OUTSIDE CHILD PROTECTION PURPOSES.”

15
16 **SECTION 34.** A new Section 43 is hereby inserted into RA No. 11930 to read as
17 follows:

18
19 **“Sec. 43. — *INSTITUTIONALIZATION OF THE PHILIPPINE INTERNET***
20 ***CRIMES AGAINST CHILDREN CENTER (PICACC).***

21
22 **(A) ESTABLISHMENT AND NATURE. — THERE IS HEREBY**
23 **INSTITUTIONALIZED A PHILIPPINE INTERNET CRIMES**
24 **AGAINST CHILDREN CENTER (PICACC) AS A PERMANENT**
25 **INTER-AGENCY LAW ENFORCEMENT BODY FOR ONLINE**
26 **SEXUAL ABUSE OR EXPLOITATION OF CHILDREN AND**
27 **CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS**
28 **(OSAEC/CSAEM) CASES WITH A FOREIGN NEXUS. THE**
29 **PICACC SHALL SERVE AS THE NATIONAL HUB FOR POLICE-**
30 **TO-POLICE COORDINATION, INTELLIGENCE AND**
31 **EVIDENCE SHARING, JOINT AND PARALLEL**
32 **INVESTIGATION, AND JOINT OPERATIONS AGAINST TIP-**

1 **OSAEC, ENSURING PERPETRATOR ACCOUNTABILITY IN**
2 **BOTH DEMAND-SIDE AND SOURCE-SIDE JURISDICTIONS,**
3 **AND FACILITATING APPROPRIATE RESTITUTION FOR**
4 **VICTIMS.**

5
6 **(B) FOREIGN NEXUS. — FOR PURPOSES OF THIS ACT,**
7 **“FOREIGN NEXUS” EXISTS WHERE ANY MATERIAL**
8 **ELEMENT OF AN OSAEC/CSAEM CASE INDICATES A CROSS-**
9 **BORDER CONNECTION, INCLUDING, SINGLY OR IN**
10 **COMBINATION: (1) A SUSPECT, VICTIM, DEVICE, IP**
11 **ADDRESS, ACCOUNT, DOMAIN, HOSTING LOCATION, OR**
12 **PROCEEDS LOCATED OUTSIDE THE PHILIPPINES; (2) THE**
13 **PLATFORM, SERVICE PROVIDER, OR DATA CONTROLLER**
14 **IS HEADQUARTERED OR STORES RESPONSIVE DATA**
15 **ABROAD; (3) THE CONDUCT INVOLVES CROSS-BORDER**
16 **TRANSMISSION, PAYMENT, OR FACILITATION; OR (4) THE**
17 **REFERRAL OR TIP ORIGINATES FROM A FOREIGN LAW-**
18 **ENFORCEMENT AGENCY, INTERNATIONAL**
19 **CLEARINGHOUSE, OR CROSS-BORDER**
20 **HOTLINE/PLATFORM. THE IMPLEMENTING RULES AND**
21 **REGULATIONS (IRR) SHALL FURTHER ELABORATE**
22 **INDICATORS AND MINIMUM SCREENING STEPS.**

23
24 **(C) COMPOSITION AND OPERATIONAL CO-LEADS. — PICACC**
25 **SHALL BE COMPOSED OF THE PHILIPPINE NATIONAL**
26 **POLICE–WOMEN AND CHILDREN PROTECTION CENTER**
27 **(PNP–WCPC) AND THE NATIONAL BUREAU OF**
28 **INVESTIGATION–HUMAN TRAFFICKING DIVISION (NBI–**
29 **HTRAD), OR THEIR FUNCTIONAL SUCCESSORS IN CASE OF**
30 **REORGANIZATION OR RENAMING. OTHER GOVERNMENT**
31 **ENTITIES MANDATED TO INVESTIGATE OR ASSIST IN THE**
32 **INVESTIGATION OF OSAEC/CSAEM CASES MAY BE**

1 MEMBERS OR OBSERVERS OF PICACC, AS MAY BE
2 SPECIFIED IN THE IRR. THE PNP–WCPC AND THE NBI–
3 HTRAD SHALL SERVE AS PICACC OPERATIONAL CO-LEADS,
4 JOINTLY RESPONSIBLE FOR CENTER-LEVEL OPERATIONAL
5 PLANNING, INTAKE DECONFLICTION, AND
6 COORDINATION OF JOINT OPERATIONS WITHIN PICACC,
7 WITHOUT PREJUDICE TO EACH AGENCY’S INTERNAL
8 COMMAND STRUCTURE.

9
10 (D) FINANCIAL AND LOGISTICAL SUPPORT. — THE NCC–
11 OSAEC–CSAEM SHALL PROVIDE FINANCIAL AND
12 LOGISTICAL SUPPORT FOR THE OPERATIONALIZATION OF
13 THE PICACC. NOTHING IN THIS SECTION SHALL BE
14 CONSTRUED TO CONFER OPERATIONAL COMMAND
15 AUTHORITY ON THE NCC–OSAEC–CSAEM OR ITS
16 SECRETARIAT OVER THE PNP, NBI, OR ANY OTHER LAW-
17 ENFORCEMENT OR INVESTIGATIVE BODY.

18
19 (E) FUNDING AND SUPPORT. — PICACC SHALL DRAW ITS
20 BUDGETARY AND ADMINISTRATIVE SUPPORT FROM THE
21 APPROPRIATIONS OF PARTICIPATING AGENCIES,
22 INCLUDING A DEDICATED BUDGET ALLOCATION FOR
23 PICACC WITHIN THE APPROPRIATIONS OF THE NCC-
24 OSAEC-CSAEM SECRETARIAT, AS WELL AS FROM GRANTS,
25 DONATIONS, AND TECHNICAL ASSISTANCE FROM
26 DEVELOPMENT PARTNERS, AND OTHER LAWFUL
27 SOURCES, SUBJECT TO EXISTING BUDGETING,
28 PROCUREMENT, AND AUDITING RULES. SUBJECT TO
29 AVAILABLE RESOURCES AND AS MAY BE PROVIDED IN THE
30 IRR, REGIONAL PICACC NODES MAY BE ESTABLISHED TO
31 ENHANCE COVERAGE AND COORDINATION.

32

**(F) CORE FUNCTIONS. — WITHIN THE SCOPE OF THEIR
LAWFUL POWERS, PICACC SHALL:**

- (1) RECEIVE, DOCKET, TRIAGE AND DECONFLICT FOREIGN-NEXUS OSAEC/CSAEM REFERRALS AND LEADS;**
- (2) SERVE AS THE PRIMARY MECHANISM FOR STRUCTURED INFORMATION-SHARING, BY MAINTAINING A SHARED CASE-INTAKE AND DECONFLICTION REGISTRY USING COMMON IDENTIFIERS AND MINIMUM METADATA, AND ENSURING TIMELY, RECIPROCAL SHARING OF RELEVANT OPERATIONAL INTELLIGENCE AND UPDATES AMONG MEMBER-AGENCIES IN FOREIGN-NEXUS OSAEC/CSAEM CASES, SUBJECT TO APPLICABLE SECRECY, CONFIDENTIALITY, AND DATA-PRIVACY LAWS;**
- (3) FACILITATE OR COORDINATE INTER-AGENCY INVESTIGATIONS AND OPERATIONS IN FOREIGN-NEXUS OSAEC/CSAEM CASES;**
- (4) SUPPORT MEMBER-AGENCIES WITH OPEN-SOURCE INTELLIGENCE, DATA ANALYSIS, AND, WHERE LAWFULLY TASKED, DIGITAL FORENSIC EXAMINATION AND RELATED TECHNICAL SERVICES;**
- (5) COORDINATE WITH SOCIAL-WELFARE AND CHILD-PROTECTION AGENCIES TO ENSURE SURVIVOR-CENTERED HANDOFFS, REFERRALS, AND AFTERCARE; AND**
- (6) GENERATE OPERATIONAL STATISTICS, THREAT ASSESSMENTS, AND PERFORMANCE METRICS TO INFORM NATIONAL POLICY, REPORTING**

1 OBLIGATIONS, AND CAPACITY-BUILDING
2 PRIORITIES UNDER THIS ACT AND RELATED LAWS.

3
4 THE DETAILED PROCEDURES, DATA FIELDS, AND
5 SAFEGUARDS FOR INFORMATION-SHARING AND
6 REGISTRY OPERATIONS UNDER PARAGRAPH (2)
7 SHALL BE FURTHER SPECIFIED IN THE
8 IMPLEMENTING RULES AND REGULATIONS AND IN
9 INTER-AGENCY AGREEMENTS, CONSISTENT WITH
10 APPLICABLE SECRECY, CONFIDENTIALITY, AND
11 DATA-PRIVACY LAWS.

12
13 (G) INTEROPERABILITY AND ROUTING. — AGENCIES THAT
14 RECEIVE ONLINE OSAEC/CSAEM LEADS OR REFERRALS
15 WHICH THEY REASONABLY ASSESS TO HAVE A FOREIGN
16 NEXUS SHALL PROMPTLY REFER SUCH LEADS TO PICACC
17 FOR INTAKE AND DECONFLICTION, WITHOUT
18 PREJUDICE TO IMMEDIATE ACTION REQUIRED TO
19 PROTECT CHILDREN, PRESERVE EVIDENCE, OR PERFORM
20 URGENT OPERATIONAL MEASURES. PICACC SHALL
21 PROMOTE SYSTEM INTEROPERABILITY AND COMMON
22 IDENTIFIERS WITH THE INFORMATION SYSTEMS OF ITS
23 MEMBER-AGENCIES, CONSISTENT WITH THE DATA
24 PRIVACY ACT OF 2012 AND OTHER CONFIDENTIALITY
25 LAWS.

26
27 (H) FOREIGN LAW-ENFORCEMENT AND TECHNICAL
28 PARTNERS. — CONSISTENT WITH APPLICABLE
29 INTERNATIONAL INSTRUMENTS, MEMORANDA OF
30 UNDERSTANDING, AND PHILIPPINE LAW, PICACC MAY
31 HOST OR COORDINATE WITH FOREIGN LAW-
32 ENFORCEMENT AGENCIES AND INTERNATIONAL OR

1 **NON-GOVERNMENT TECHNICAL PARTNERS AS LIAISON**
2 **OR TECHNICAL PARTNERS FOR PURPOSES OF**
3 **INFORMATION-EXCHANGE, CAPACITY-BUILDING, AND**
4 **COORDINATED ACTION AGAINST OSAEC/CSAEM. SUCH**
5 **PARTNERS, HOWEVER, SHALL HAVE NO COMMAND OR**
6 **OPERATIONAL AUTHORITY OVER PICACC OR ANY.**

7
8 **THE IRR SHALL SPECIFY THE MODALITIES FOR THE**
9 **PARTICIPATION OF SUCH FOREIGN AND TECHNICAL**
10 **PARTNERS, WITHOUT PREJUDICE TO EXISTING AND**
11 **FUTURE MEMORANDA OF UNDERSTANDING**
12 **SUPPORTING PICACC OPERATIONS.**

13
14 **(I) IMPLEMENTING RULES. — WITHIN ONE HUNDRED EIGHTY**
15 **(180) DAYS FROM THE EFFECTIVITY OF THIS ACT, THE PNP—**
16 **WCPC, NBI—HTRAD, AND THE NCC—OSAEC—CSAEM**
17 **SECRETARIAT, IN CONSULTATION WITH OTHER RELEVANT**
18 **AGENCIES AND PARTNERS, SHALL ISSUE JOINT RULES TO**
19 **IMPLEMENT THIS SECTION, INCLUDING:**

- 20
21 **(1) DETAILED INTAKE, TRIAGE, AND DECONFLICTION**
22 **PROCEDURES;**
23 **(2) THE SPECIFIC PICACC MEMBERSHIP, FOCAL UNITS,**
24 **AND SECONDMENT/DETAILING ARRANGEMENTS;**
25 **(3) DATA-SHARING, PRIVACY, AND INFORMATION-**
26 **SECURITY SAFEGUARDS;**
27 **(4) ARRANGEMENTS FOR 24/7 JOINT OPERATIONAL**
28 **COORDINATION, INCLUDING ANY JOINT OPERATIONS**
29 **DESK OR ROTATING COORDINATION MECHANISM**
30 **BETWEEN THE OPERATIONAL CO-LEADS; AND**

1 **(5) PERFORMANCE AND ACCOUNTABILITY FRAMEWORKS,**
2 **INCLUDING KEY PERFORMANCE INDICATORS (KPIS)**
3 **AND REPORTING LINES TO THE NCC–OSAEC–CSAEM.**
4

5 **(J) REPORTING AND COORDINATION WITH NCC-OSAEC-**
6 **CSAEM. — PICACC SHALL SUBMIT TO THE NCC-OSAEC-**
7 **CSAEM SECRETARIAT PERIODIC CONSOLIDATED REPORTS**
8 **ON ITS OPERATIONS, INCLUDING AT A MINIMUM: (A) THE**
9 **NUMBER AND BASIC TYPOLOGY OF FOREIGN-NEXUS OSAEC**
10 **AND CSAEM REFERRALS RECEIVED, TRIAGED, AND ACTED**
11 **UPON; (B) SUMMARY STATISTICS ON OPERATIONS**
12 **CONDUCTED, CHILDREN SAFEGUARDED, AND OFFENDERS**
13 **ARRESTED OR CHARGED; AND (C) EMERGING TRENDS,**
14 **THREATS, AND OPERATIONAL GAPS IDENTIFIED; (D)**
15 **NAMES OF REPORTED INDIVIDUALS THAT CAN BE**
16 **INCLUDED IN THE BLACKLISTED ALIEN REGISTRY THE**
17 **NCC-OSAEC-CSAEM SECRETARIAT MAY USE SUCH REPORTS**
18 **FOR NATIONAL POLICY FORMULATION, PLANNING,**
19 **CAPACITY-BUILDING, AND PERFORMANCE MONITORING**
20 **UNDER THIS ACT, AND MAY ISSUE CORRESPONDING**
21 **RECOMMENDATIONS TO THE NCC-OSAEC-CSAEM AND**
22 **CONCERNED AGENCIES. NOTHING IN THIS SUBSECTION**
23 **SHALL BE CONSTRUED AS GRANTING THE NCC-OSAEC-**
24 **CSAEM OR ITS SECRETARIAT OPERATIONAL COMMAND,**
25 **CASE-SELECTION AUTHORITY, OR DIRECTIVE CONTROL**
26 **OVER PICACC OR ITS MEMBER LAW-ENFORCEMENT**
27 **AGENCIES.**

28
29 **(K) TRANSITORY PROVISION. — EXISTING PICACC**
30 **STRUCTURES, MEMORANDA OF UNDERSTANDING,**
31 **FACILITIES, DONOR-SUPPORTED PROJECTS, EQUIPMENT,**
32 **PERSONNEL DETAILS, AND ONGOING INVESTIGATIONS AS**

1 OF THE EFFECTIVITY OF THIS ACT ARE HEREBY
2 RECOGNIZED AND SHALL BE HARMONIZED UNDER THIS
3 SECTION AND ITS IMPLEMENTING RULES. PENDING THE
4 PROMULGATION OF THE IMPLEMENTING RULES AND
5 REGULATIONS, THE EXISTING STRUCTURE, MEMORANDA
6 OF UNDERSTANDING, AND ONGOING OPERATIONS OF
7 PICACC SHALL CONTINUE WITHOUT INTERRUPTION AND
8 SHALL BE DEEMED CONSISTENT WITH THIS ACT.”
9

10 **SECTION 35.** A new Section 44 is hereby inserted into RA No. 11930 to read as
11 follows:
12

13 **“Sec. 44. SUPERVISORY CHILD-SAFEGUARDING MEASURES BY THE**
14 **BANGKO SENTRAL NG PILIPINAS (BSP) —**
15

16 **(A) MANDATE. — CONSISTENT WITH THIS ACT, THE ANTI-**
17 **MONEY LAUNDERING ACT OF 2001 (AMLA), AND ITS**
18 **EXISTING SUPERVISORY AND OVERSIGHT MANDATES,**
19 **THE BANGKO SENTRAL NG PILIPINAS (BSP) SHALL, IN**
20 **ACCORDANCE WITH ITS RISK-BASED APPROACH, ISSUE**
21 **SUCH REGULATIONS OR GUIDANCE AS IT MAY DEEM**
22 **APPROPRIATE TO STRENGTHEN THE ABILITY OF BANKS,**
23 **NON-BANK FINANCIAL INSTITUTIONS, MONEY SERVICE**
24 **BUSINESSES, ELECTRONIC MONEY ISSUERS, PAYMENT**
25 **SYSTEM PROVIDERS, VIRTUAL ASSET SERVICE**
26 **PROVIDERS, AND OTHER BSP-SUPERVISED FINANCIAL**
27 **INSTITUTIONS TO PREVENT, DETECT, AND DISRUPT**
28 **FINANCIAL FLOWS CONNECTED TO OSAEC AND CSAEM.**
29

30 **(B) SUPERVISORY EXPECTATIONS. — WITHOUT PREJUDICE**
31 **TO STRICTER MEASURES THAT THE BSP MAY ADOPT**
32 **UNDER EXISTING OR FUTURE ISSUANCES, BSP**

1 REGULATIONS AND GUIDANCE ISSUED PURSUANT TO
2 THIS SECTION SHALL, AS APPROPRIATE TO THE SIZE,
3 NATURE, AND RISK PROFILE OF SUPERVISED
4 INSTITUTIONS, PROMOTE THAT THEY:

5
6 (1) INCORPORATE OSAEC/CSAEM RISKS INTO THEIR
7 ENTERPRISE-WIDE RISK ASSESSMENTS, POLICIES, AND
8 INTERNAL CONTROLS, TAKING INTO ACCOUNT RELEVANT BSP
9 AND AMLC REGULATIONS AND ANY TYPOLOGIES OR RED-FLAG
10 INDICATORS DEVELOPED UNDER THIS ACT;

11
12 (2) MAINTAIN RISK-BASED TRANSACTION-MONITORING AND
13 SCREENING ARRANGEMENTS CAPABLE OF TAKING INTO
14 ACCOUNT BEHAVIOURAL AND TRANSACTIONAL PATTERNS
15 ASSOCIATED WITH OSAEC/CSAEM-RELATED ACTIVITY, AND,
16 WHERE PERMITTED UNDER THE AMLA, THE ANTI-FINANCIAL
17 ACCOUNT SCAMMING ACT (AFASA), AND RELEVANT BSP AND
18 AMLC ISSUANCES, SUPPORT APPROPRIATE RESPONSES TO
19 REASONABLY SUSPECTED TRANSACTIONS, INCLUDING
20 TIMELY REPORTING AND, WHEN AUTHORIZED, TEMPORARY
21 WITHHOLDING OR DEFERRAL;

22
23 (3) APPLY ENHANCED DUE DILIGENCE AND HEIGHTENED
24 ONGOING MONITORING TO CUSTOMERS, PRODUCTS,
25 CHANNELS, CORRIDORS, OR TRANSACTIONS IDENTIFIED AS
26 PRESENTING ELEVATED OSAEC/CSAEM RISK UNDER BSP OR
27 AMLC GUIDANCE; AND

28
29 (4) ENSURE SECURE, AUDITABLE, AND TIMELY ELECTRONIC
30 REPORTING AND DATA SUBMISSION TO THE AMLC THROUGH
31 CHANNELS THAT ENABLE THE EFFECTIVE GENERATION OF
32 OSAEC/CSAEM-RELATED FINANCIAL INTELLIGENCE,

1 **CONSISTENT WITH THE AMLA AND BSP REGULATIONS.**

2

3 **(C) SUPERVISION AND ENFORCEMENT. — IN EXERCISING ITS**
4 **SUPERVISORY AND ENFORCEMENT POWERS, THE BSP**
5 **MAY CONSIDER SERIOUS OR REPEATED NON-**
6 **COMPLIANCE WITH OSAEC/CSAEM-RELATED**
7 **SAFEGUARDS REQUIRED UNDER THIS ACT AND BSP**
8 **REGULATIONS AS AN AGGRAVATING CIRCUMSTANCE IN**
9 **THE IMPOSITION OF CORRECTIVE ACTIONS, MONETARY**
10 **PENALTIES, OR OTHER ENFORCEMENT MEASURES UNDER**
11 **EXISTING LAWS AND BSP ISSUANCES, WITHOUT**
12 **PREJUDICE TO ANY LIABILITY UNDER THE AMLA AND**
13 **THIS ACT.**

14

15 **(D) COORDINATION. — THE BSP SHALL COORDINATE, AS MAY**
16 **BE APPROPRIATE, WITH THE AMLC, THE NCC–OSAEC–**
17 **CSAEM SECRETARIAT, AND OTHER CONCERNED AGENCIES**
18 **IN THE DEVELOPMENT, IMPLEMENTATION, AND PERIODIC**
19 **REVIEW OF SUPERVISORY MEASURES UNDER THIS**
20 **SECTION, TO PROMOTE COHERENCE WITH NATIONAL**
21 **CHILD-PROTECTION, ANTI-MONEY LAUNDERING, AND**
22 **COUNTER-FINANCIAL CRIME STRATEGIES WHILE**
23 **RESPECTING THE OPERATIONAL INDEPENDENCE OF EACH**
24 **INSTITUTION.”**

25

26 **SECTION 36.** Section 38 of RA No. 11930 is hereby renumbered as Section 45
27 accordingly.

28

29 **SECTION 37.** Section 39 is hereby renumbered and amended to read as follows:

30

31 **“Sec. 46. *Transitory Provisions.* —** The mandates, **STRUCTURE**, office and
32 funding of the **NATIONAL COORDINATION CENTER AGAINST OSAEC**

1 **AND CSAEM** shall remain until the effectivity of this Act. Upon the effectivity
2 of this Act, all the powers, functions, **STRUCTURE**, offices, personnel, **FUNDS**,
3 assets, information and database shall be transferred to the **NCC-OSAEC-**
4 **CSAEM AS A COORDINATING COUNCIL** without the need of conveyance
5 or order, as the case may be.

6
7 The Secretariat or employees of the **NATIONAL COORDINATION CENTER**
8 **AGAINST OSAEC AND CSAEM** shall continue to exercise their respective
9 functions, duties and responsibilities with the corresponding benefits and
10 privileges. As far as practicable, all personnel of shall be absorbed by the **NCC-**
11 **OSAEC-CSAEM AS A COORDINATING COUNCIL.**"

12
13 **SECTION 38.** Section 40 is hereby renumbered and amended to read as follows:

14
15 **"Sec. 47. Appropriations AND CHILD ONLINE SAFEGUARDING TRUST**
16 **FUND. —**

17
18 **(A) GENERAL APPROPRIATIONS. — THE AMOUNT NECESSARY**
19 **FOR THE INITIAL AND CONTINUING IMPLEMENTATION OF**
20 **THIS ACT, INCLUDING THE OPERATIONS OF THE NCC–**
21 **OSAEC–CSAEM SECRETARIAT AND THE PROGRAMS OF ITS**
22 **MEMBER-AGENCIES UNDER THIS ACT, SHALL BE**
23 **INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS**
24 **ACT.**

25
26 **(B) CREATION OF THE CHILD ONLINE SAFEGUARDING TRUST**
27 **FUND. — THERE IS HEREBY CREATED A CHILD ONLINE**
28 **SAFEGUARDING TRUST FUND (THE "TRUST FUND"), TO BE**
29 **MANAGED AND ADMINISTERED BY THE NCC–OSAEC–**
30 **CSAEM SECRETARIAT, EXCLUSIVELY FOR THE PURPOSES**
31 **IDENTIFIED IN PARAGRAPH (D) OF THIS SECTION.**
32

1 **(C) SOURCES OF THE TRUST FUND. — THE TRUST FUND SHALL**
2 **CONSIST OF:**

- 3
- 4 **(1) ALL ADMINISTRATIVE FINES IMPOSED UNDER THIS ACT, AND**
5 **SUCH PORTION OF MONETARY PENALTIES COLLECTED BY**
6 **REGULATORS PURSUANT TO THIS ACT AS MAY BE SPECIFIED**
7 **IN THE IMPLEMENTING RULES AND REGULATIONS (IRR);**
8
- 9 **(2) SUCH PORTION OF ASSETS FORFEITED IN FAVOR OF THE**
10 **GOVERNMENT IN CASES INVOLVING VIOLATIONS OF THIS**
11 **ACT AS MAY BE DETERMINED IN ACCORDANCE WITH THE**
12 **ANTI-MONEY LAUNDERING ACT (AMLA), THE REVISED PENAL**
13 **CODE, AND OTHER APPLICABLE LAWS, AND AS MAY BE**
14 **SPECIFIED IN THE IRR;**
15
- 16 **(3) ANNUAL APPROPRIATIONS THAT MAY BE SPECIFICALLY**
17 **EARMARKED IN THE GENERAL APPROPRIATIONS ACT FOR**
18 **THE TRUST FUND;**
19
- 20 **(4) GRANTS, DONATIONS, CONTRIBUTIONS, OR TECHNICAL**
21 **ASSISTANCE FROM DOMESTIC AND FOREIGN SOURCES,**
22 **WHETHER PUBLIC OR PRIVATE, ACCEPTED IN ACCORDANCE**
23 **WITH APPLICABLE LAWS, RULES, AND REGULATIONS; AND**
24
- 25 **(5) INCOME AND INTEREST DERIVED FROM THE INVESTMENT OR**
26 **PLACEMENT OF THE TRUST FUND, SUBJECT TO EXISTING**
27 **GOVERNMENT ACCOUNTING AND AUDITING RULES.**
28

29 **(D) PERMISSIBLE USES. — WITHOUT PREJUDICE TO OTHER**
30 **CHILD-PROTECTION PROGRAMS AUTHORIZED BY LAW,**
31 **DISBURSEMENTS FROM THE TRUST FUND SHALL BE USED**
32 **EXCLUSIVELY FOR:**

1
2 **(1) VICTIM-SURVIVOR SERVICES, INCLUDING RECOVERY,**
3 **REHABILITATION, PSYCHOSOCIAL SUPPORT, LONG-TERM**
4 **AFTERCARE, REINTEGRATION, AND LIVELIHOODS OR**
5 **EDUCATION SUPPORT FOR CHILDREN AND THEIR NON-**
6 **OFFENDING FAMILIES OR CAREGIVERS;**

7
8 **(2) PREVENTION AND DEMAND-REDUCTION PROGRAMS,**
9 **INCLUDING NATIONWIDE AND LOCAL CAMPAIGNS, SCHOOL-**
10 **BASED AND COMMUNITY-BASED INTERVENTIONS, AND**
11 **DIGITAL-SAFETY EDUCATION;**

12
13 **(3) TECHNOLOGY, TOOLS, AND INFRASTRUCTURE NEEDED TO**
14 **DETECT, INVESTIGATE, AND DISRUPT OSAEC AND CSAEM,**
15 **INCLUDING BUT NOT LIMITED TO SECURE PLATFORMS, DATA**
16 **SYSTEMS, ANALYTICAL TOOLS, AND DIGITAL-FORENSICS**
17 **CAPABILITIES ALIGNED WITH THIS ACT;**

18
19 **(4) CAPACITY-BUILDING AND MENTAL-HEALTH SUPPORT FOR**
20 **PERSONNEL OF THE NCC–OSAEC–CSAEM MEMBER-**
21 **AGENCIES, LAW-ENFORCEMENT, PROSECUTION, SOCIAL**
22 **WELFARE, AND PARTNER SERVICE PROVIDERS ENGAGED IN**
23 **OSAEC/CSAEM WORK;**

24
25 **(5) SUPPORT TO THE OPERATION OF SPECIALIZED MECHANISMS**
26 **ESTABLISHED OR RECOGNIZED UNDER THIS ACT FOR**
27 **OSAEC/CSAEM DETECTION, INVESTIGATION, FINANCIAL-**
28 **INTELLIGENCE, AND COORDINATION, INCLUDING, WHERE**
29 **APPLICABLE, THE PHILIPPINE INTERNET CRIMES AGAINST**
30 **CHILDREN CENTER (PICACC), THE CHILD PROTECTION**
31 **FINANCIAL INTELLIGENCE PLATFORM (CPFIP), AND THE**
32 **FINANCIAL INTELLIGENCE JOINT TASK FORCE ON OSAEC**

1 AND CSAEM (FIJTF); AND

2
3 **(6) SUCH OTHER PROGRAMS AND PROJECTS DIRECTLY RELATED**
4 **TO THE PREVENTION, DETECTION, INVESTIGATION,**
5 **PROSECUTION, AND AFTERCARE OF OSAEC AND CSAEM**
6 **CASES AS MAY BE APPROVED BY THE NCC–OSAEC–CSAEM,**
7 **CONSISTENT WITH ITS MULTI-YEAR STRATEGIC PLAN.**

8
9 **(E) ADMINISTRATION, OVERSIGHT, AND AUDIT. — THE**
10 **NCC–OSAEC–CSAEM SECRETARIAT SHALL ADMINISTER**
11 **THE TRUST FUND, SUBJECT TO:**

12
13 **(1) GOVERNMENT ACCOUNTING AND AUDITING RULES, AND**

14
15 **(2) ANNUAL REPORTING TO THE NCC–OSAEC–CSAEM AND TO**
16 **CONGRESS ON RECEIPTS, DISBURSEMENTS, AND PROGRAM**
17 **RESULTS FINANCED BY THE TRUST FUND.**

18
19 **THE TRUST FUND SHALL BE SUBJECT TO AUDIT BY THE**
20 **COMMISSION ON AUDIT (COA).**

21
22 **(F)NON-LAPSING CHARACTER. — THE TRUST FUND SHALL BE**
23 **A SPECIAL, CONTINUING FUND, AND ITS BALANCES SHALL**
24 **NOT REVERT TO THE GENERAL FUND AT THE END OF THE**
25 **FISCAL YEAR. ALL INCOME THEREFROM SHALL ACCRUE TO**
26 **AND FORM PART OF THE TRUST FUND.”**

27
28 **SECTION 39.** Section 41 is hereby renumbered and amended to read as follows:

29
30 **“Sec. 48. *Implementing Rules and Regulations (IRR).* — THE NCC-**
31 **OSAEC-CSAEM SHALL, IN CONSULTATION WITH REPRESENTATIVES**
32 **FROM OTHER RELEVANT AGENCIES SUCH AS THE BANGKO SENTRAL**

1 **NG PILIPINAS, THE PRIVATE SECTOR SUCH AS THE INTERNET**
2 **INTERMEDIARIES AND CONCERNED NON-GOVERNMENTAL**
3 **ORGANIZATIONS, PROMULGATE THE NECESSARY RULES AND**
4 **REGULATIONS TO IMPLEMENT THIS ACT, WITHIN ONE HUNDRED**
5 **TWENTY (120) DAYS AFTER EFFECTIVITY."**
6

7 **SECTION 40.** Sections 42 of RA No. 11930 is hereby renumbered as Sections 49
8 accordingly.
9

10 **SECTION 41. Separability Clause.** If any part of this Act is declared
11 unconstitutional or invalid, the other provisions not affected thereby shall continue to
12 be in full force and effect.
13

14 **SECTION 42. *Repealing Clause.*** — All laws, decrees, executive orders,
15 administrative orders, rules and regulations, and other issuances or parts thereof
16 inconsistent herewith are hereby repealed, amended or modified accordingly.
17

18 **SECTION 43. *Effectivity.*** — This Act shall take effect fifteen (15) days after its
19 publication in the Official Gazette or in a newspaper of general circulation.
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21 Approved,