Republic of the Philippines
Province of Samar
Municipality of Pinabacdao
OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN
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SANGGUNIANG PANLALAWIGAN
PROVINCE OF SAMAR
RECEIVED
BY: MA RUBIE M. BACOM
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February 20, 2025

HON. ARNOLD V. TAN
Vice Governor
Province of Samar
Capitol Building
Catbalogan City, Samar

Thru: **ATTY. JOSE CRISOSTOMO Y. GUADES**
Secretary to the Sangguniang Panlalawigan

Sir;

Respectfully transmitting herewith copies of **Municipal Ordinance 25-001**, entitled: **"AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) IN PINABACDDAO, SAMAR WITH CORRESPONDING PENALTIES AND PROVIDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS, AND FUNDS ITS IMPLEMENTATION."**, approved by the Sangguniang Bayan of Pinabacdao, Samar on February 17, 2025, for review and proper action.

Sincerely,

MARY BERNARDETTE T. QUIJANO
Secretary to the Sangguniang Bayan

Republic of the Philippines
Province of Samar
Municipality of Pinabacdao
OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 25-001
Series 2025

AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) IN PINABACDDAO, SAMAR WITH CORRESPONDING PENALTIES AND PROVIDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS, AND FUNDS ITS IMPLEMENTATION.

WHEREAS, Section 3, Article XV of the 1987 Philippine Constitution provides that, "the state shall defend the rights 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;

WHEREAS, RA 7160 or the "Special Protection of Children Against Abuse, Exploitation, and Discrimination Act" provides that it is hereby declared to be the policy of the State to provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in the situation of child abuse, exploitation, and discrimination;

WHEREAS, RA No. 9775 or the "Anti-Pornography Act" guarantees the fundamental rights and protection of every child from all forms of exploitation and abuse such as child pornographic performances and materials or their right inducement in compliance with the Convention on the Rights of the Child on the State of Sale of Children, Child Prostitution and Child Pornography;

WHEREAS, RA No. 9208 or the "Anti-Trafficking in Persons Act of 2003" as amended by the Republic Act No. 10364 or the Expanded Anti-Trafficking Act of 2022, protects the child against online sexual exploitation by declaring unlawful recruitment by any means for the purpose of prostitution, pornography, sexual exploitation or maintain or hire a person to engage in prostitution or pornography;

WHEREAS, RA No. 11862 or the "Expanded Anti-Trafficking Act of 2000", provides the definition of Online Sexual Abuse and Exploitation of Children (OSAEC) and Child Sexual Abuse

Exploitation Material (CSEM) or Child Sexual Abuse Material (CSAM) ;

WHEREAS, Section 11(i) of RA 11862 specifically provides that LGUs shall be mandated to pass an ordinance to combat trafficking of persons and other forms of exploitation at the local level, and develop and implement trafficking in persons, preventive education programs aimed at educating and orienting the public about crime and how it is perpetrated in current society, and the service available for victims and survivors;

WHEREAS, Section 33 of RA No. 11930 or the Anti-Online Sexual Abuse and Exploitation of Children Law provides that Local Governments shall pass an Ordinance to localize efforts against OSAEC and CSAEM, take into account local culture and norms, institutionalize community-based initiatives that address OSAEC and SCAEM at the barangay level, establish OSAEC and CSAEM prevention programs that aim to educate families against OSAEC and CSAEM and provide a holistic local program for rehabilitation and reintegration under the local service welfare and development office including support and protection for victims and survivors;

WHEREAS, the internet has been a positive catalyst for innovation, education, and economic growth, however, it has also enabled those who would harm children by making it easier for them to produce, access, and share sexual abuse materials; to find like-minded offenders; and reduce their risk of detection;

WHEREAS, as connectivity expands, and with 59% of Filipino children connecting to the internet without supervision, so too do sexual crimes, exploitations, and abuses committed against children where online tools and/or services are used;

WHEREAS, the Philippine Kids Online Survey found that 90% of Filipino children can access the internet whenever they want or need to and 59% connect to the internet without supervision. It also revealed that 2 in 10 children are vulnerable to being victims of child online sexual abuse and exploitation;

WHEREAS, in 2018 alone, 600,000 sexualized photos of Filipino children were bartered and traded, making the Philippines one of the top global sources of child sex abuse materials;

WHEREAS, in 2018 the Department of Justice's Cybercrime Division received 579,006 cyber tips for the online sharing, re-sharing, and selling of sexual child abuse images and videos;

WHEREAS, in 2009, 418,422 cyber tips were recorded, but in 2020, it has seen 260% increase since the start of the lockdown;

WHEREAS, the adoption of stronger legislative measures in support of online safety of children in Pinabacdao, Samar will pave the way for the protection and development of the child;

NOW THEREFORE, upon motion of Sangguniang Bayan Member Arlyn C. Mabute, unanimously seconded by the Sangguniang Bayan Members present, be it ordained by the Sangguniang Bayan of Pinabacadao, Samar, that;

Section 1. Short Title. - This Ordinance shall be known as **"Anti- OSAEC Ordinance of the Municipality of Pinabacdao".**

Section 2. Scope and Application - This Ordinance covers all households, internet and allied business establishments, private business establishments, government agencies, and its facilities within the Municipality of Pinabacdao.

Section 3. Declaration of Policy. - The municipality declares it as policy that:

a. Each child is protected against the ill effects of and the dangers of unsafe internet use and prevent online abuse and sexual exploitation;
b. Families, parents and guardians and their children are educated and well-informed about positive parenting, specifically guiding their children on the use and the adoption of internet or online-offline safety behaviors;
c. Persons in government offices and other public and private institutions are educated on OSAEC as it evolves and how to respond to technology-based trafficking in persons and capacitated to respond according to their mandates;
d. Online business and other allied services/enterprises, such as, but not limited to data providers, money transfers, IT equipment providers, and internet installed are compliant to existing laws and their provisions in ensuring online safety.

Section 4. Definition of Terms. For the purpose of this Ordinance, the following terms and phrases shall mean:

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

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

a.2 Computer-generated, digitally or manually crafted images or graphics of a person who is represented or who is made to appear to be a child as defined therein;

b. **"Child Pornography"** refers to any representation, whether visual or audio, or written combination thereof, by electronic, mechanical, digital, optical, magnetic, or any other means, of child engaged or involved in real or simulated explicit sexual activities;

c. **"Child Sexual Exploitation Material (CSEM) or Child Sexual Abuse Material (CSAM)"** refers to any media represented (e.g., photos, images, videos, recordings, streams) which depicts act sexual abuse and exploitation of a child or representation of a child as a sexual object, including materials that focus on real or simulated genitalia or private body parts of a child-whether or not generated digitally or by, through and with the use of ICT.

d. **"Explicit Sexual Activity"** includes actual or simulated:
   i. As to form-sexual intercourse or lascivious act including, but not limited to, contact involving genital to genital, oral to genital, anal to genital, or oral to anal, either between persons of the same or opposite sex;
   ii. Bestiality;
   iii. Masturbation;
   iv. Sadistic or masochistic abuse;
   v. Acts of lasciviousness, exhibition of the genitals, buttocks, breasts, public area, and/or anus; or vi. Use of any instrument for lascivious acts.

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

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

g. **"Internet Café or Kiosk"** refers to an establishment that offers or proposes to offer services to the public for the use of its computer/s or computers for purpose of accessing the internet, computer games, or related services.

h. **"Internet Content Host"** refers to a person who hosts or who possesses to host internet content in the Philippines.

i. **"Internet and Communication Technology Service Provider (ICT SP)"** is a person or entity that captures, or displays or any combination thereof of voice, image, text or data and transmission of voice or data, images or text or any communication thereof for use in data processing, record-keeping or retrieval, broadcasting or transmission for entertainment or information purposes of voice, image or text or any combination thereof and the provision of services relating to these.

j. **"Live Streaming of Child Sexual Abuse"** refers when there is transmission of a child sexual abuse to view/s in real through "streaming" over the internet. Abuse video is transmitted instantaneously to the viewer, who can watch,

engage, or even direct abuse while it is occurring. This can take both commercial and non-commercial forms.

k. **"Luring"** refers to the act of communicating, to be a child by means of a computer system, with a child or someone whom the offender believes to be a child for the purpose of facilitating the commission of sexual activity or production of any form of sexual abuse or exploitation.

l. **"Online Sexual Abuse and Exploitation of Children (OSAEC)"** refers to the usage of digital or analog communication and ICT as a means to abuse and exploit children sexually, which includes cases in which contact child abuse or exploitation offline is combined with an online component. This can also include in the production, dissemination, and possession of CSAEM or CSAM; online grooming of children for sexual purposes; sexual extortion of children; sharing image-based sexual abuse; commercial sexual exploitation of children, exploitation of children through online prostitution; and live-streaming or sexual abuse, with or without the consent of the victim.

m. **"OSAEC Customer"** refers any person who provides financial compensation to an OSAEC trafficker or child for any form of CSEM or for any exploitation of a minor.

n. **"OSAEC Facilitator"** means any person who procures children to do sexual acts online, usually parents, older siblings, or relatives.

o. **"OSAEC Trafficker"** means any person who sexually abuses or exploits a child through the means of the internet through offering CSEM and or a minor or adult for the purpose of hands-on sexual exploitation in exchange for compensation.

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

q. **"Sexual Abuse or Exploitation Material"** refers to any online or offline representation, whether visual, audio, or written combination thereof, by electronic, involved in real or simulated explicit sexual activities. In the online platform, sexual abuse or exploitation material shall include visual or audio written materials or a combination thereof which is distributed via email, text message, instant message, chat room, peer-to-peer file sharing network, social media platform, and unencrypted and encrypted communication apps or traded on password-protected sites, bulletin board, and forums.

r. **"Streaming"** Is a technology that consists of playing data before the entire file has been transmitted, sending the information directly to the computer or device of the recipient (via a webcam, audio interface, etc.) without any need to save the file onto a hard disk (although streaming material can also be recorded, it is available only on the

occasion and leaves no trace on the device once it has been viewed.

s. **"trafficking in Persons"** shall mean the recruitment, transportation, transfer, and harboring on receipt person, by means of the treat or use of force or other forms of coercion, abduction of fund, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

t. **"Videotaped In-Depth Interview (VIDI)"** shall mean a video-recorded "inquiry" or proceeding conducted by duly trained members of a multidisciplinary team or representatives of law enforcement or child protection services for the purpose of determining whether child abuse has been committed.

Section 5. Prohibited Acts. The following are considered acts of online sexual abuse and exploitation of children are unlawful:

a. Online child sexual abuse material-accessing, possessing, producing, and/or distributing images and/or videos of sexual abuse;
b. Grooming of a child for sexual purposes- developing a relationship with a child to enable his/her sexual abuse and/or exploitation, either online or offline;
c. Live-streaming sexual abuse of child through online video applications to view, and sometimes interact with children in order to abuse them;
d. Sextortion: coercing and blackmailing children for sexual purposes- producing and/or utilizing sexual images and/or videos depicting a child, for the purposes of sexual, financial, and/or personal gains;
e. Other unlawful or prohibited acts as provided under the Republic Act No. 9775 or " Anti-Child Pornography Act of 2009, Republic Act No. 11930 or the "Anti-Online Abuse and Exploitation of Child Law."

Section 6. Responsibility of Establishment Owners/Operators and Owners or Lessors of Other Business Establishments. All establishment owners/operators and lessors of other business establishments shall notify the PNP-Pinabacdao, Samar if exploitation is being committed in their premises. Any display of any form of online child sexual abuse or exploitation within the establishments' premises shall be considered as a presumption of knowledge on the part of its owners/operators and lessors in violations of this ordinance unless the contrary is proven.

Photo developers, information technology professionals, credit card companies and banks, and any person who has direct knowledge of any form of child sexual abuse or exploitation activities shall have the duty to report any suspected child abuse or exploitation materials or transactions to the proper authorities within 48 hours from its discovery.

Violation of this provision shall be subject to the penalty provided under Section 14 of this Ordinance.

Section 7. Duty to Oversee or monitor internet cafes, kiosk, or similar establishment. To aid the municipality in the implementation of this ordinance the prevention of its violation, barangays are tasked with the duty to oversee or monitor internet cafes, kiosks, or similar establishments within their respective jurisdiction.

All internet cafes , and kiosks, as well as money remittance centers, should undergo a Seminar Orientation on Online Sexual Exploitation and Anti Abuse of Children (OSAEC) as a requirement prior to the issuance of a business permit, regardless of the kind of application whether it is new or renewal.

Section 8. Mandatory Services to Victims of Child Abuse and Exploitation. The Municipal Social Welfare and Development Office (MSWDO) shall ensure that the child who is a victim of any form of sexual abuse or exploitation is provided with appropriate care, custody, and support for his/her recovery and reintegration to the society in accordance with the existing laws.

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

To ensure recovery, rehabilitation, and reintegration into the mainstream of society, concerned government agencies and the barangays shall make available the following services to victims:

i. Emergency shelter or appropriate housing;
ii. Counselling;
iii. Free legal services, which shall include information about the victim's rights and the procedure fir filing of complaints, claims for compensation, and such other legal remedies available to them in a language understood by the child;
iv. Medical and/or psychological services;
v. Livelihood and skills training; and
vi. Educational Assistance.

Sustained supervision and follow-up through mechanisms that will track the progress of recovery, rehabilitation, and reintegration of the child victim shall be adopted and carried out.

Section 9. Incorporation of Anti-OSAEC to the LPC. The Local Child Protection Council of the Municipality shall perform the following additional powers, duties and functions:

i. Monitor and document cases of OSAEC in the Municipality;
ii. Coordinate with local agencies and non-government organizations to immediately respond and address the issues and problems attendant to OSAEC;
iii. Develop mechanisms to ensure the timely, coordinated, and effective response to cases od OSAEC;
iv. Encourage and support barangay initiatives which address OSAEC;

v. Recommend the cancellation of licenses of establishments that violate the provisions of this ordinance and ensure effective prosecution of violators;
vi. Undertake an information campaign against OSAEC through the establishment of an Information and Education team;
vii. Recommend the services for the prevention, rescue, recovery, rehabilitation, and reintegration support to victims of OSAEC;
viii. Strengthen, activate, and mobilize committees , organizations, anti-VAWC Desks, and special bodies in the barangay level to prevent and suppress OSAEC;
ix. Recommend the utilization of funds appropriated by Municipal Budget Officer;
x. Conduct information campaigns and capacity-building seminars;
xi. Establish international linkages and develop proper foreign coordination;
xii. Exercises all the powers and perform such other functions necessary to attain the purpose and objectives of this Ordinance.

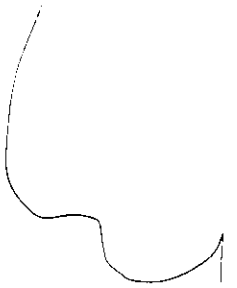
Section 10. Programs for Victims of Child Sex Abuse or Exploitation. The Council shall develop and implement the necessary programs that will prevent any form of child sexual abuse or exploitation, as well as protect, heal, and reintegrate the child into the mainstream of society.

Section 11. Trainings. Regular trainings and seminars shall be held to be enable the members of the council to function effectively. Similar trainings shall also be provided to the following officials and v volunteers for the purpose of equipping them with the necessary knowledge and skills to prevent and suppress OSAEC in their area of jurisdiction or to assist in the monitoring, investigation, and prosecution of any OSAEC case:

i. Law enforcement officials;
ii. Social workers;
iii. Teachers and parents;
iv. Barangay-based volunteer groups such as women and youth groups;
v. Officers-in-charge of Barangay/VAWC Desks;
vi. Other stakeholders.

Section 12. Training of Front liners. In partnership with medical authorities and educational institutions, a program for counselling and stress management shall be developed for social workers and other frontline OSAEC responders.

SECTION 13. Applicability of Other Relevant Nation Laws and Legal Principles. The provisions at RA No. 11930, RA 9775, and other relevant laws shall be applied in cases pertinent to (i) duties of internet content host, (ii) Confiscation and Forfeiture of the Proceeds, Tools, and Instruments Used in Child Sexual Abuse or Exploitation, and (iii) Duties of an Information and Communication Technology Service Provider (ICT SP).



More importantly, the confidentiality of all proceedings and the privacy of the child shall be given utmost importance pursuant to existing laws, rules, and regulations.

Section 14. Penalties. Without prejudice to penalties and fines as may be provided by under relevant laws, the following penalties for violations of any provisions of this Ordinance are hereby imposed:

a. The offender violating the Ordinance shall be penalized with a fine of Two Thousand Five Hundred Pesos (₱2,500.00) and undergo a OSAEC Seminar;
b. Owners, operators, or lessors of business establishments found to have violated any of the provisions of the Ordinance shall suffer the penalty of suspension of business permits, either temporary or permanent as may be recommended by the council created under Section 9 of this Ordinance, and a five of (₱2, 500.00).
c. Confiscation of gadgets and all materials used in the online sexual abuse and exploitation of children.

Section 15. Funding. The operation and activities of the Council shall be considered as related to gender and development projects in the municipality. Pursuant to this the funding for the implementation and enforcement of this Ordinance shall be taken from the annual 5% gender and development fund. Provided, however, that other fund sources may be used to augment the financial requirements for the implementation of this ordinance so long as they are available and permitted to be used by law.

Partnership with NGOs, CSOs, and private enterprises/individuals is also encouraged for the effective implementation of the ordinance.

Section 16. Repealing Clause. - The provisions of previous local enactments, resolutions, memoranda, circulars, and other issuances inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 17. Separability Clause. Should any portion of this Ordinance be declared ultra vires or unconstitutional by competent authority, the remainder not so affected shall continue to be in full force and effect.

Section 6. Effectivity Clause. - This Ordinance shall take effect immediately upon its approval.

ENACTED this 17th day of February, 2025.

HON. JOSE SANTIAGO T. QUIJANO
SB Member

HON. ELISEO B. CABORNAY JR.
SB Member

HON. JOEL R. PACAYRA
SB Member

HON. NESTOR C. OCENAR
SB Member

HON. ARLYN C. MABUTE
SB Member

HON. ROSEMARIE T. BADENAS
SB Member

HON. NIÑO A. RAGA
SB Member

HON. REYNALDO C. TUAZON
SB Member

HON. WILMA P. ESOY
ABC Pres./Ex-Officio Member

HON. JOSEPH ULDANE O. GACULA
SK Fed. Pres./Ex-Officio Member

I HEREBY CERTIFY the correctness of the foregoing Ordinance which was duly adopted by the Sangguniang Bayan of Pinabacdao, Samar during its regular session.

MARY BERNARDETTE T. QUIJANO
Secretary to the Sangguniang Bayan

ATTESTED:

HON. EDGAR M. TONELETE
Vice- Mayor/Presiding Officer

APPROVED BY HIS HONOR, THE MAYOR, ON 18 FEB 2025 **:**

HON. TEODORICO A. MABAG
Municipal Mayor