



ORDINANCE NO. 1004, S-2024

AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) IN MANDALUYONG CITY WITH CORRESPONDING PENALTIES, THEREAFTER PROVIDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS, AND PROVIDING FUNDS THEREOF

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 7610 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 special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions, prejudicial to their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination;

WHEREAS, R.A No. 11930 or the “Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act” declared it to be the policy of the State to provide special protections to children from all forms of sexual violence, abuse and exploitation especially those committed with the use of information and communications technology (ICT), provide sanctions for their commission and carry out programs for the prevention, deterrence and intervention in all situations of online sexual abuse and exploitation of children in the digital and non digital production, distribution or possession of child sexual abuse or exploitation material;

WHEREAS, R.A. No. 11862 or the Expanded Anti-Trafficking Act of 2022 was signed into law by President Rodrigo Duterte on 23 June 2022 which provided for the definition of Online Sexual Abuse or Exploitation of Children (OSAEC) and Child Sexual Abuse and Exploitation Material (CSAEM) or Child Sexual Abuse Material (CSAM);

WHEREAS, Section 33 of R.A. 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 CSAEM 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 services welfare and development office including support and protection for victims and survivors;

WHEREAS, the City of Mandaluyong has and continues to demonstrate exemplary child-friendly governance;

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 be 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 as one of the top global sources of child sex abuse materials;

WHEREAS, the adoption of stronger legislative measures in support of online safety of children in the City of Mandaluyong will pave the way for the protection and development of the child.

NOW THEREFORE, be it ORDAINED by the Sangguniang Panlungsod of the City of Mandaluyong, that:

- Section 1. Short Title – This Ordinance shall be known as the “Anti-OSAEC Ordinance” of the City of Mandaluyong.
- 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 City of Mandaluyong.
- Section 3. Declaration of Policy – The City of Mandaluyong hereby declares 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 are capacitated to respond according to their mandates;
 - d. Online businesses and other allied services/enterprises, such as, but not limited to data providers, money transfers, IT equipment providers and internet installers are compliant to existing laws and its 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 herein.
- b. “Child sexual abuse” refers to any form of communication through any platform format, or any physical interaction between a child and any person when the child is being used for any act or activity inducing sexual stimulation or for the purpose of sexual gratification or in pursuit of the desire to have carnal knowledge of the child, regardless of the gender of the perpetrator or the victim, or the consent of the victim.
- c. “Child sexual exploitation” refers to any of the following acts even if consent appears to have been granted by the child:
 - (a.) Child sexual abuse with consideration whether monetary or nonmonetary consideration, favor, or benefit in exchange for the opportunity to perform such abusive or exploitative act;
 - (b.) Actual sexual intercourse with a child or children with or without consideration;
 - (c.) Employing fraud, machination, undue influence, intimidation, threat or deception by any person to commit sexual abuse or sexual intercourse with a child or children; or
 - (d.) Any other similar or analogous acts related to child abuse, cruelty, or exploitation or to be responsible for other conditions prejudicial to the development of the child.
- d. “Child Sexual Exploitation Material (CSEM) or Child Sexual Abuse Material (CSAM)” refers to any media representation (e.g. photos, images, videos, recordings, streams) which depicts act of 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.

- e. "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 computer system for the purpose of accessing the internet, computer games or related services.
- 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 computer system for the purposes of accessing the internet, computer games or related services.
- h. "Internet content host" refers to a person who hosts or who proposes to host internet content in the Philippines.
- i. "Internet and Communications Technology Service Provider (ICT SP)" is a person or entity that captures, transmits, or displays or any combination thereof of voice, image, text or data and information electronically for the recording, processing, monitoring or transmission of voice or data, image or text or any communication thereof for use in data processing, transmission, duplication, text processing, document reproduction or transmission, record-keeping or retrieval, broadcasting or transmission for entertainment or information purposes of voice, image or text or any combination thereof and the provision of services relating to these.
- j. "Live Steaming of Child Sexual Abuse" refers when there is a transmission of a child sexual abuse to a viewer/s in real time through "streaming" over the internet. Abuse video is transmitted instantaneously to the viewer, who can watch, engage, and even direct abuse while it is occurring. This can take both commercial and non-commercial forms.
- k. "Network of Care" - refers to a Trauma-Informed Network of Government and Private Facilities and Service providers within a region, offering Programs and Services for OSAEC, Survivors and their Families with a protocol that facilitates efficient and effective communication, coordination and collaboration in service delivery.
- l. "Online Sexual Abuse and Exploitation of Children (OSAEC)" refers to the usage of digital or analog communication and ICT as 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 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 of sexual abuse, with or without the consent of the victim.

- m. "Sexual Abuse or exploitation material" refers to any online or offline representation, whether visual, audio or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of child engaged or involved in real or simulated explicit sexual activities.

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

- n. "Trauma-Informed Care" is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and seeking to employ practices that do not traumatize or re-traumatize (National Child Traumatic Stress Network, 2020).
- o. "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 protective 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 and it shall be unlawful for any person to commit any of the following act:

- a. Online child sexual abuse material - accessing, possessing, producing and/or distributing images and/or videos of child sexual abuse;
- b. Grooming of children for sexual purposes – developing a relationship with a child to enable their sexual abuse and/or exploitation, either online or offline;
- c. Live-streaming sexual abuse of children – using online video applications to view, and sometimes interact with the sexual abuse of children live;
- 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 or other 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. 11862 or the "Expanded Anti-Trafficking in Persons Act of 2022" and Republic Act No. 11930 or the "Anti Online Abuse and Exploitation of Children Law"

Section 6. Responsibility of Mall Owners/Operators and Owners or Lessors of other Business Establishments – All mall owners/operators and owners or lessors of the other business establishments shall notify the Mandaluyong City Police Station +632 532 5001 or the NBI within 48 hours from obtaining facts and circumstances that child sexual abuse or exploitation is being committed in their premises. Provided, that public display of any form of child sexual abuse or exploitation within their premises is a conclusive presumption of the knowledge of the mall owners/operators and owners or lessors of other business establishments of the violations of this Act: Provided further, that a disputable presumption of knowledge by mall owners/operators and owners or lessors of other business establishment should know or reasonably know that a violation of this Ordinance is being committed in their premises.

Photo developers, information technology professionals 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 sexual abuse or exploitation materials or transactions to the proper authorities within 48 hours from discovery thereof.

Any willful and intentional violation of this provision shall be subject to the penalty provided under Section 18 of this Ordinance.

Section 7. Authority to Regulate Internet Café or Kiosk – The City Government shall monitor and regulate the establishment and operation of the internet café or kiosk or similar establishments such as remittance centers in order to prevent violation of the provisions of this Ordinance.

Section 8. Mandatory Services to Victims of Child Sexual Abuse or Exploitation – The City Social Welfare and Development Department (CSWDD) shall ensure that the child who is a victim of any form of child sexual abuse or exploitation is provided appropriate care, custody and support for their recovery and reintegration in accordance with existing laws.

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

To ensure recovery, rehabilitation and reintegration into the mainstream of society, the City Government and all its component barangays shall make available the following services to victims of any form of child sexual abuse or exploitation:

- i. Emergency shelter or appropriate housing;
- ii. Counselling;

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

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

Section 9. Council and Composition – The LCAT-VAWC shall serve as the primary arm of the City Government of Mandaluyong against Online Sexual Abuse and Exploitation of Children which shall be composed of the following:

Chairperson:	City Mayor
Co-Chairperson:	City GAD Focal Person
Vice Chairperson:	SP Chairperson of the Committee on Women, Children and Family

Members:

Representatives of the following office and their alternates

- City Planning and Development Coordinator
- Office of the City Mayor
- City Social Welfare and Development Officer
- City Health Officer
- City Public Employment Services Officer (PESO)
- City Prosecutor
- Liga ng mga Barangay President
- City Director/City Local Government Operations Officer
- Mandaluyong PNP
- City Legal Department
- Gender and Development Department
- NGO Representatives of the following sectors:
 - a) Women – Kababaihan Kakaiba ng Mandaluyong Soroptimist International of Mandaluyong
 - b) OFW - Mandaluyong OFW Family Circle Inc.
 - c) Children - Samahan sa Mandaluyong ng mga Kabataang Nagkakaisa (SAMAKANA)
 - d.) Barangay Nutrition Action Officers (BNAO)
 - e.) Unang Hakbang Foundation

The City GAD focal person and the representative of the LCPC shall be the Action Officer of the Committee to manage the day-to-day operations of the committee.

The City Social Welfare Development Department shall act as the Secretariat.

Section 10. Functions of the Council – The Council shall have the following responsibilities:

- Monitor and document cases of OSAEC in the City;
- Coordinate with local agencies and non-government organizations to immediately respond and address the issues and problems attendant to OSAEC;
- Develop mechanism to ensure timely, coordinated and effective response to cases of OSAEC;
- Encourage and support local government unit's initiatives which address OSAEC;
- Recommend the cancellation of licenses of establishment, which violate the provisions of this Ordinance and ensure its effective prosecution;
- Recommend the services for the prevention, rescue, recovery, rehabilitation and reintegration support to victims of OSAEC;
- Strengthen, activate and mobilize committees and organizations and special bodies in the barangay level to prevent and suppress OSAEC;
- Recommend the utilization of funds appropriated under this Ordinance to the City Budget Department;
- Conduct information campaign-capacity building;
- Exercise all the powers and perform such other functions necessary to attain the purpose and objectives of this Ordinance.

Section 11. Secretariat – The City Social Welfare and Development Department shall serve as the Secretariat of the Council and for this purpose shall assign a permanent/detailed social worker, particularly assigned to OSAEC concerns, to perform the following functions;

- i. Facilitate the regular and special meetings of the Council once a month or as may be necessary in the performance of its mandate under this Ordinance;
- ii. Receive communication, concerns and complaints and coordinate with the Council members or pertinent local agencies to address the same;
- iii. Coordinate with agencies in the performance of the Council's functions;
- iv. Consolidate and submit regular reports to the Council in relation to its functions;

v. Perform such other functions as the Council will assign.

Section 12. Trainings – Regular trainings and seminars shall be held to enable the members of the Council to function efficiently. Similar trainings shall also be provided to the following officials and 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 cases of OSAEC:

- (i) Law enforcement officials
- (ii) Social workers
- (iii) Teachers and parents
- (iv) Barangay-based volunteer groups such as women and youth groups
- (v) Other stakeholders

Section 13. Trauma-Informed Care for Frontliners – 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 14. Video In-Depth Interview (VIDI) of the Child – To facilitate the proper assessment of the survivor and further support the prosecution of OSAEC cases, there should be established at least one (1) room specifically designed to conduct VIDI pursuant to Rule 28 and 29 of the Rules on the Examination of the Child Witness. Considering the requirements of a Child-Friendly Space, the room shall be adequately established with the proper personnel and equipment such as but not limited to one way mirrors, cameras, recorders, etc.

The VIDI may be conducted in the room assessed by the social worker to be fit for child interview pursuant to the requirements of a child friendly space, with a VIDI Mobile Kit.

There shall also be established a multi-disciplinary team (MDT) that shall conduct VIDI on the child composed of the following: social worker, properly trained police officer/investigator, psychiatrist/psychologist/licensed physician. The MDT shall be adequately trained in conducting VIDIs to ensure that they have a child protective mindset and that evidence derived from the same will be admissible in Court.

Section 15. VIDI Mobile Kit – The Video In-Depth Interview Room shall be provided with VIDI Mobile Kits which shall be comprised of the following:

1. Video Camera with Charger and Case
2. Tripod
3. Laptop with Charger and Case
4. Storage Media (SD Card and Flash Drives)

5. Extension Cord

6. Forms and Support Documents Folder

- a. Informed Consent Form
- b. Handling Log Sheet
- c. Interview Guide and Script
- d. Sample Joint Affidavit of Interviewer and Social Worker
- e. Blank Acknowledgment Receipts

Section 16. Local Anti-OSAEC Prevention and Awareness Programs – There shall be established a robust prevention and awareness program involving all sectors in the community to combat OSAEC.

Section 17. Applicability of Other Relevant National Law and Legal Principles – The provisions of R.A. No. 11862, R.A. 11930, R.A. 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 protection pursuant to existing laws, rules and regulations.

Section 18. Penalties – Without prejudice to penalties and fines as may be provided by other relevant laws, the following penalties for violations of any provisions of the Ordinance are hereby imposed as follows:

- a. First Offense: The offender violating the Ordinance shall be penalized with a fine of Three Thousand Pesos (Php3,000.00) and undergo a mandatory OSAEC Seminar;
- b. Second Offense: The offender violating the Ordinance shall be penalized with a fine of Four Thousand Pesos (Php4,000.00) and undergo a mandatory OSAEC Seminar; and
- c. Third Offense: The offender violating the Ordinance shall be penalized with a fine of Five Thousand Pesos (Php5,000.00) and undergo a mandatory OSAEC Seminar and imprisonment.

Business establishments found to have violated any of the provisions of this Ordinance shall be subjected to suspension (1st and 2nd offense) or revocation (3rd offense and more) of business permits, after due notice and hearing.

Section 19. Funding – A minimum annual amount of Five Hundred Thousand Pesos (Php500,000.00) shall be allocated for the expenses for implementation of this Ordinance.

Section 20. 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 21. 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 as it is susceptible to enforcement and application.

Section 22. Effectivity. This Ordinance shall take effect upon its approval, thirty (30) days after its publication in a newspaper of general circulation in the City.

ENACTED on this 9th day of December 2024, in the City of Mandaluyong.

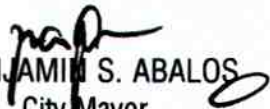
I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED BY THE SANGGUNIANG PANLUNGSOD
OF MANDALUYONG IN A REGULAR SESSION HELD ON
THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

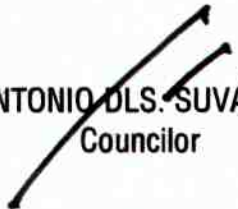
APPROVED BY:


CARMELITA A. ABALOS
City Vice Mayor &
Presiding Officer


BENJAMIN S. ABALOS
City Mayor

Date: DEC 18 2024

DISTRICT I



ANTONIO DLS. SUVA, JR.
Councilor



ANJELO ELTON P. YAP
Councilor



DANILO L. DE GUZMAN
Councilor



RODOLFO M. POSADAS
Councilor



CARISSA MARIZ S. MANALO
Councilor



ESTANISLAO Y. ALIM III
Councilor

DISTRICT II



BENJAMIN A. ABALOS III
Councilor



ALEXANDER C. STA. MARIA
Councilor



REGINALD S. ANTIOJO
Councilor



LESLIE F. CRUZ
Councilor



MICHAEL ERIC G. CUEJILO
Councilor

EMERGENCY LEAVE
DARWIN A. FERNANDEZ
LnB President



CHERILYN W. MINA
SK Federation President