

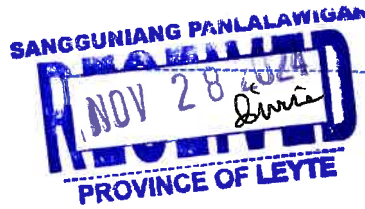


Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Province of Leyte
Legal Office

11.26.24

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PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

November 15, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 480 of the Sangguniang Bayan of Babatngon, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 480 entitled: "An Ordinance prohibiting acts of online sexual abuse and exploitation of children, etc."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447⁽⁵⁾(xiv)¹ of the Local Government Code of 1991 (R.A. 7160) in relation to R.A. 7610² and R.A. 11930³. Hence, we recommend for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL

Asst. Provincial Legal Officer 

¹ (a) (xiv) Provide for the care of paupers, the aged, the sick, persons of unsound mind, disabled persons, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;

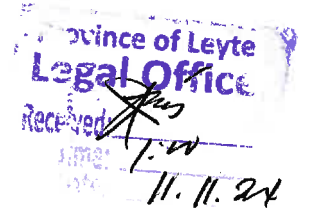
² "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

³ "Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act."

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
06 November 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein **Ordinance No. 480** of the **Municipality of Babatngon, Leyte**, entitled: **An Ordinance Prohibiting Acts of Online Sexual Abuse and Exploitation of Children (OSAEC) in the Municipality of Babatngon, Leyte with corresponding penalties, thereafter providing a supportive environment for the survivors, and providing funds thereof.**


ANDRE S. SANICO
Provl Govt. Asst. Dept. Head

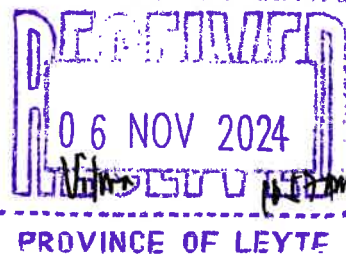


OFFICE OF THE SANGGUNIANG BAYAN

05 November 2024

Honorable Leonardo M. Javier, Jr.
Vice Governor and Presiding Officer, and

SANGGUNIANG PANLALAWIGAN



The Honorable Members
Sangguniang Panlalawigan
Leyte Provincial Government Complex
Palo, Leyte

Dear Honorable Ladies and Gentlemen,


Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance ORDINANCE NO. 480 ENTITLED: "AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) IN THE MUNICIPALITY OF BABATNGON, LEYTE WITH CORRESPONDING PENALTIES, THEREAFTER PROVIDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS, AND PROVIDING FUNDS THEREOF." Said Ordinance is being forwarded to that Body for review in compliance with Section 56 (a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 480, and
2. Certification of Posting

Please find them in order and praying for your favorable action thereof.

Very truly yours,

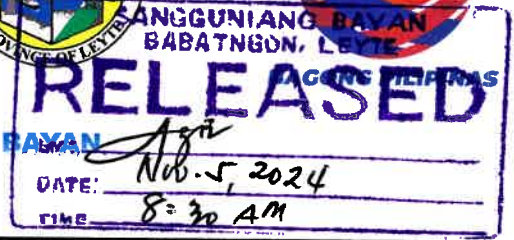

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated





OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 111th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 23rd DAY OF SEPTEMBER 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE

ORDINANCE NO. 480

RECEIVED

BY: *Judy Anne Ballan*
DATE: *10-20-24*
TIME: *8:00 AM*

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



AUTHOR: HON. FEDERICO P. ELIZAGA, JR.
CO-AUTHORS: HON. ILDEFONSO B. ODON
HON. ALEX VELOSO BELLO
HON. EDGARDO Y. MORDEN
HON. JUDE LEMWEL B. VETHIMVAS

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 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 or 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. 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 2012, 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, 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 of Exploitation of Children (OSEC) and Child Sexual Abuse and Exploitation Material (CSEM) or Child Sexual Abuse Material (CSAM);

WHEREAS, Section 11 (i) of R.A. No. 11862 specifically provides that LGUs shall be mandated to pass an Ordinance to combat trafficking in persons and other forms of exploitation at the local level; and develop and implement a trafficking in persons preventive education program aimed at educating and orienting the public about the crime and how it is perpetrated in current society, and the services available for victims and survivors;

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 aims to educate families against OSAEC and

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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 Municipality of Babatngon 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 supervision¹, 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, in 2018, the Department of Justice Office of Cybercrime received 579,006 cyber tips for the online sharing, re-sharing, and selling of child sexual abuse images and videos;

WHEREAS, in 2019, 418,422 cybertips were recorded, but in 2020, it has seen 260% increase since the start of the lockdown;

WHEREAS, it will enhance local governance and strengthen child protection if survivors are capacitated for leadership development, advocacy and participation;

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

NOW THEREFORE, be it ordained by the Sangguniang Bayan of the Municipality of Babatngon, Leyte, that:

Section 1. Short Title – This Ordinance shall be known as “An Ordinance Prohibiting Online Sexual Abuse and Exploitation of Children in the Municipality of Babatngon, Leyte or “Anti-OSAEC Ordinance.”

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.

Section 3. Declaration of Policy – The Municipality of Babatngon 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 or 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 Abuse or Exploitation Material (CSAEM) or Child Sexual Abuse Material (CSAM)"** refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, 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 activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. For purposes of this Act, CSAEM may interchangeably be referred to as CSAM
- 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 purposes of accessing the internet, computer games or related services.
- f. **"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.
- g. **"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.

- h. **"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."⁴⁴
- i. **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).
- j. **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 OSEC Survivors and their Families with a protocol that facilitates efficient and effective communication, coordination and collaboration in service delivery.
- k. **Foster Care** refers to the provision of planned temporary substitute parental care to a child by a foster parent. While **Foster Child** refers to a child placed under foster care. **Foster Family Care License** refers to



Municipality of Babatngon

- l. the document issued by the DSWD authorizing the foster parent to provide foster care. **Foster Parent** refers to a person, duly licensed by the DSWD, to provide foster care.
- m. **Kinship Care** is the full-time care of a child by a relative or another member of the extended family.
- n. **Survivor Network**- an all-inclusive program for members in the Philippines from different case types of violence like child sexual abuse, commercial sexual exploitation, and online sexual exploitation of children, who desire and pursue safe communities through justice systems that protect the most vulnerable.
- o. **Local Survivor Group** - A group of survivors in a specific region who have come together for a cause and to support one another. These groups may be affiliated with IJM, IJM partners, or others.
- p. **Survivor Leadership**- Survivors are individuals with experience and expertise to offer. Survivors can use their experience and expertise in a leadership capacity to empower and work with fellow survivors and the community. Survivor Leadership means survivors are engaged as leaders who can shape programs or projects through their direct contribution; and survivors are impacting and leading the movement against violence and slavery.

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 PNP- Babatngon, 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, 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 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 21 of this Ordinance.

Section 7. Authority to Regulate Internet Café or Kiosk – The local government unit or the municipality where an internet café or kiosk is located shall have the authority to monitor and regulate the establishment and operation of the same or similar establishments in order to prevent violation of the provisions of this Ordinance.

All internet café and kiosks, as well as money remittance centers should undergo a Seminar or Orientation on Online Sexual Exploitation and 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 for renewal.

Section 8. Mandatory Services to Victims of Child Sexual Abuse or Exploitation – The Municipal Social Welfare and Development (MSWD) 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 concerned government agencies and the 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. Alternative family-based care like Foster care and Kinship Care
- iii. Counselling;
- iv. 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;
- v. Medical and/or psychological services;
- vi. Livelihood and skills training; and
- vii. Educational assistance.
- viii. Support services to survivor empowerment, leadership development, advocacy and participation

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

Section 9. Council and Composition – There is hereby established a Municipal Inter-Agency Council Against Online Sexual Abuse and Exploitation of Children which shall be composed of the following:

- a. Local Chief Executive as Chairperson;
- b. Chairman of the Committee on Women and Family Affairs, Sangguniang Bayan or her duly designated representative, as Co-Chairperson;
- c. Municipal Social Welfare and Development Officer, as Member;
- d. Chairman of the Committee on Youth and Sports Development, Sangguniang Bayan or her duly designated representative, as Member;
- e. Local Youth Development Officer, as Member
- f. Municipal Health Officer, as Member;
- g. Municipal Chief, Philippine National Police-Municipal, as Member;
- h. Representative from the child rights non-government organization, as Member;
- i. Representative from the Municipal Legal Office, as Member;
- j. Representative from the Municipal Prosecutor's Office, as Member;
- k. President of the Federated Student Council of _____, as Member;
- l. Representative from the Parents-Teacher Association – _____, as Member;
- m. President of the Liga ng Mga Barangay, as Member;
- n. Representative from the Church or Inter-Faith Communities.
- o. **Local Survivor Network Representative**

The Local Chief Executive shall convene the Council within two (2) months from the effectivity of this Ordinance. The Council shall meet once a month or as often as necessary in the performance of their functions.

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

- Monitor and document cases of OSAEC in the Municipality;
- 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 units initiatives which addresses OSAEC;
- Recommend the cancellation of licenses of establishment, which violate the provisions of this ordinance and ensure its effective prosecution;
- Undertake an information campaign against OSAEC through the establishment of an Information and Education Team;
- Recommend the services for the prevention, rescue, recovery, rehabilitation and reintegration support to victims of OSAEC;
- Strengthen, activate and mobilized committees and organizations and specials bodies in the barangay level to prevent and suppress OSAEC;
- Recommend the utilization of funds appropriated under this ordinance to the Municipal Budget Office;
- Conduct information campaign- capacity building;
- Establish international linkages and develop proper foreign coordination;
- Exercise all the powers and perform such other functions necessary to attain the purpose and objectives of this Ordinance.

Section 11. Secretariat – The Municipal Social Welfare and Development Office (MSWDO) 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. Coordinate with the Regional Network of Care for technical assistance and services responsive to the needs of OSAEC survivors and their non-offending families;
- v. Consolidate and submit regular reports to the Council in relation to its functions;
- vi. Perform such other functions as the Council will assign.

Section 12. Programs for Victims of Child Sexual 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. Such programs shall include but not limited to the following:

1. Provision of mandatory services including counselling, free legal services, medical or psychological services, livelihood and skills training and educational assistance to the child pursuant to Section 8 of this Ordinance;
2. Sponsorship of a national research program on any form of child sexual abuse or exploitation and other acts covered by the law and the establishment of a data collection system for monitoring and evaluation purposes;
3. Provision of necessary technical and material support services to appropriate government agencies and non-governmental organizations (e.g Mostly financial support for training, needs of MDTs and network of care);
4. Sponsorship of conferences and seminar to provide venue for consensus building amongst the public, the academe, government, nongovernmental and international organizations including the regional network of care;
5. Promotion of information and education campaign;
6. Survivor Empowerment, Leadership Development, Advocacy and Participation; and
7. Establishment of a survivor network and local survivor support group.

As assessed and recommended by the local social worker, the programs mentioned above shall also be provided to immediate family members of the child victim ONLY when they are not the offending party and that there is no indication of bias in favor of the perpetrator.

Section 13. Multi-disciplinary Case Management. In the handling and management of cases of child victims, the approach should be multi-disciplinary, and a multi-disciplinary case conference (MDCC) shall be conducted.

- a. **Multi-disciplinary Case Management** brings together more than two groups of disciplines or professionals from different backgrounds and specializations and areas of expertise to organize and carry out work to address the holistic needs of the child survivor (and his/her family). It is a collaborative process of assessment, planning, implementation and review. (e.g law enforcers, social workers; from the local and from the residential facility, psychologist, teachers and etc)
- b. **Multi-disciplinary Case Conference (MDCC)** is a forum by which professionals having a major role in the handling of online child abuse and exploitation cases can share their professional knowledge, information or concern on the child(ren). The case conference analyzes risks and recommends actions to be taken in relation to the welfare planning of the child(ren) and the family. All the information and discussions would be kept confidential.

Section 14. 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 15. 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 16. Establishment of a Healthy and Child Friendly Space – Through an ordinance, the Local Government Unit shall establish a **Local Child Protection and Response Center (LCPCR)** that shall serve as a refuge for child victims in general. It shall provide for:

- a. Temporary shelter for abused children
 - b. Interview rooms
 - c. Office for the Municipal Inter-Agency Council Against Online Sexual Abuse and Exploitation of Children and its Secretariat
- i. The LCPCR shall be provided with adequate personal and administrative staff to effectively serve the best interest of children.
- ii. The LCPCR shall also serve as an **assessment center** shall serve as to address the gap in the provision of comprehensive and timely assessments for OSEAC survivor placement as the basis for other partners in the Network of Care to provide case management.
- a. The primary role of assessment centers is to provide a safe and temporary home for newly rescued OSEC survivors where they can receive specialized services and support for the start of their recovery.
 - b. The staff of the center are composed of a team of professionals (social worker, psychologist, counselor, medical doctor, and nurses) and paraprofessionals (house parents, security personnel and administrative support staff) who provide critical care, specialized services and comprehensive assessment to newly rescued OSEC survivors. These staff members are expected to intentionally care for the children during their whole stay in the assessment center whilst employing trauma-informed care to support survivors in the recovery and development of attachment skills.
 - c. Concurrently, a case management team composed of the center social worker, psychologist, nurse and medical doctor, alongside a law enforcement officer and lawyer, are designated to complete an individualized assessment of the child and his/her family.
 - d. The critical assessments undertaken at the center include, but are not limited to: psychological assessment; medical assessment; psychosocial assessment and; family assessment. The comprehensive assessments of the child and his/her family are critical in determining the permanency plan for the child, be it reunification with relatives or reintegration through other avenues such as: foster care; independent living; or adoption.
 - e. Through this center, the process of transitioning a child to a permanent placement option is expected to be fast-tracked rather than extending the child's stay long-term inside the shelter.

In the absence of a LCPCR or its equivalent center, a specific room in the LGU shall be established in accordance with the requirements of a child friendly space that shall serve the purpose of promoting the best interest of child victims.

Section 17. 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.

In the absence of a LCPCR, or a fully equipped facility or room, 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 18. VIDI Mobile Kit – The Local Police Station, Local Social Welfare and Development Office and the LCPCR 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 19. 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. The Local Government shall declare a day in September as Anti-OSAEC Day to increase awareness against the crime, and in line with the celebration of Family Month.

Section 20. 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 21. 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 One Thousand Five Hundred Pesos (Php 1,500.00) and undergo a mandatory OSAEC Seminar;
- b. Second Offense: The offender violating the Ordinance shall be penalized with a fine of Two Thousand Pesos (Php 2,000.00) and undergo a mandatory OSAEC Seminar; and
- c. Third Offense: The offender violating the Ordinance shall be penalized with a fine of Two Thousand Five Hundred Pesos (Php 2,500.00) 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.

This Ordinance shall not preclude the prosecution of a case under Republic Act No. 11930 or the Anti-OSAEC Law by the Department of Justice National Prosecution Office, which shall have control over whether to file an OSAEC Offense under this Ordinance or the Law. It should be noted, however, that Section 21 of Article III of the Philippine Constitution states that "if an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act."

Section 22. Funding – A minimum annual amount of Five Hundred Thousand Pesos (PhP 500,000.00) shall be allocated for the expenses for implementation of this Ordinance.

The operation and activities of the Council and establishment of the LCPRC shall be considered as related to gender and development projects of the Municipality and the funding therefore shall be part of the 5% gender and development fund for every year.

The funding, however, shall not be limited to the abovementioned source for so long as other sources may be available as permitted by law.

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

Section 23. 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 24. 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.



OFFICE OF THE SANGGUNIANG BAYAN

Section 25. Effectivity. This Ordinance shall take effect upon its approval, fifteen (15) days after its publication in a newspaper of general circulation in the Municipality;

ENACTED and APPROVED this 23rd day of September 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

ALMA A. BALDOMAR
Secretary II

Secretary to the Sanggunian-Designate

ATTESTED BY:

HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor and
Presiding Officer

HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member

HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member

HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member

(Mandatory Leave)
HON. ILDEFONSO B. ODON
Sangguniang Bayan Member

HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member

HON. HILARION S. MENZON
Sangguniang Bayan Member

HON. ALEX VELOSO BELLO
Sangguniang Bayan Member

(Official Travel)
HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay

HON. JUDE LEMWEL B. VETHIMVAS
President
Pambayang Pederasyon ng
Sangguniang Kabataan

APPROVED:

HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 04 Nov. 2024





OFFICE OF THE SANGGUNIANG BAYAN


CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 05 November 2024 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder Ordinance, to wit:

1. **ORDINANCE NO. 480 - AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) IN THE MUNICIPALITY OF BABATNGON, LEYTE WITH CORRESPONDING PENALTIES, THEREAFTER PROVIDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS, AND PROVIDING FUNDS THEREOF.**

Made this 5th day of November 2024 at Babatngon, Leyte.


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate