28

Item No.: 28

Date: 1/1 4 2025 FFR





-oOo-

PROVINCIAL LEGAL OFFICE





2nd INDORSEMENT

January 9, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 23L.24-073 of the Sangguniang Bayan of Kananga, Leyte.

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

• Ordinance No. 23L.24-073 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(a)(1)¹ of the Local Government Code of 1991 (R.A 7160) in consonance with RA No. 7610² and RA No. 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

¹ (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

⁽¹⁾ Approve ordinances and pass resolutions necessary for an efficient and effective municipal government

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 09 January 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed Ordinance No. 23L.24-073 of the Municipality of Kananga, Leyte, entitled: An Ordinance prohibiting acts of Online Sexual Abuse and Exploitation of Children (OSAEC) and the Anti-Child Sexual Abuse or Exploitation Materials (ACSAEM) in the Municipality of Kananga, corresponding penalties, thereafter prodding a supportive environment for the survivors.

FLORINDA JILUS. VYVICO
Secretary to the Sanggunian



Republic of the Philippines Province of Leyte Municipality of Kananga (%R)

8 Secretary to the Sangguniang BayanTelephone No. (053) 5539173

Email Address: sbkananga6531@gmail.com

January 9, 2025

FLORINDA JILL S. UYVICO

Secretary to the Sanggunian Sangguniang Panlalawigan of Leyte Legislative Building, Capitol Complex Tacloban City



Dear SP Sec. Uyvico:

Respectfully submitted to your good office the herewith 13 copies of the Municipal Ordinance No. 23L.24-073, series of 2024 entitled: "AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) AND THE ANTI-CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (ACSAEM) IN THE MUNICIPALITY OF KANANGA, CORRESPONDING PENALTIES, THEREAFTER PRODDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS".

Enacted by the 23rd Sangguniang Bayan of Kananga, for review and approval of the Sangguniang Panlalawigan of Leyte.

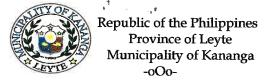
Hoping for your consideration on this matter.

Thank you.

Very respectfully yours,

ATTY. ALLAN R. CASTRO

Board Secretary (Secretary to the Sangguniang Bayan)



Sangguniang Bayan of Kanang

23rd SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE SANGGUNIANG BAYAN OF KANANGA ON DECEMBER 23, 2024 AT THE ABC FUNCTION HALL.

Present: Honorable Miguel Jorge P. Tan

Honorable Fernando M. Aseo Honorable Resurreccion C. Capanas Honorable Brenzon C. Cabintoy

Honorable Alma N. Orfano Honorable Minerva M. Bulawit Honorable Allan C. Espinosa

Honorable Victoriano L. Globa

Vice-Mayor/Presiding Officer

SB Member /Floor Leader

SB Member

INGGUNIANG PANLALAWIO

SB Member

SB Member

SB Member SB Member

Liga Ng Mga Barangay

President/Ex-officio Member

Absent: Honorable Rudy B. Cogay(On leave)

Honorable Richie C. Cruz (On leave)

Honorable Mary Daniela L. Cubero (On leave)

SB Member

SB Member

Pambayang Pederasyon Ng Sangguniang

Kabataan President/Ex-officio Member

ORDINANCE NO. 23L.24-073

(Series of 2024)

"AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) AND THE ANTI-CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (ACSAEM) IN THE MUNICIPALITY OF KANANGA, CORRESPONDING PENALTIES, THEREAFTER PRODDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS"

Authored By: HON. RESURRECCION C. CAPANAS

PREFATORY STATEMENT

WHEREAS, Section 3(2), 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, Republic Act No. 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 and to provide sanctions for their commission and carry out a program for prevention, deterrence, and crisis intervention in situations of child abuse, exploitation and discrimination;

WHEREAS, Republic Act No. 11930 or the "Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (ACSAEM) Act" declared it to be the policy of the state to provide special protection to children from all forms of sexual violence, abuse and exploitation especially those committed with the use of Information and Communication 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, Republic Act 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, Republic Act No. 11862 or the "Expanded Anti-Trafficking Act of 2022" which was signed into law by former President Rodrigo Duterte on June 23, 2022 provided for the definition of Online Sexual Abuse or Exploitation of Children (OSAEC) and Child Sexual Abuse Material (CSAM);

WHEREAS, Section 11(i) of Republic Act. No. 11862 specially provides the LGUs shall be mandated to pass an Ordinance to combat trafficking in persons and other forms of exploitation at the local level; and to 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 Republic Act No. 11930 or the "Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials" 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 initiative that address OSAEC and CSAEM at the barangay level, establish OSAEC and CSAEM prevention programs that aims 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 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 perpetuators to produce, access and share sexual abuse materials, find likeminded offenders and reduce their risk of detection;

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

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 sexual and abuse materials;

WHEREAS, in 2018, the Department of Justice (DOJ) 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 cyber tips were recorded, but in 2020, there was 260% increase since the start of the lockdown;

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

nild red and

NOW THEREFORE, the Sangguniang Bayan of Kananga, in its regular session duly assembled, hereby ordains the following:

SECTION 1. TITLE – This Ordinance shall be known as "An Ordinance Prohibiting Online Sexual Abuse and Exploitation of Children in the Municipality of Kananga 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 jurisdiction of the Municipality of Kananga and all those who sojourn in the municipality.

SECTION 3. DECLARATION OF POLICY - The Ordinance 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 guardian are educated and well-informed about positive parenting, especially, 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 involves how to respond to technology-based trafficking in persons and are capacitated to respond according to their mandates; and
- d. Online business 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:

- i. A person regardless of age who is presented, depicted or portrayed as a child defined herein; and
- ii. 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 and which makes the child neglected, abused and exploited from such occurrence.
- c. "Child Sexual Exploitation" refers to any of the following acts even if consent appears to have been granted by the child;
 - i. Child sexual abuse with consideration whether monetary or non-monetary consideration, favor, or benefit in exchange for the opportunity to perform such abusive or exploitative act;
 - ii. Actual sexual intercourse with a child or children with or without consideration;
 - iii. 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
 - iv. 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

ld Sexual

or Exploitation



(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 related and/or similar from the foregoing, 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 Ordinance, CSAEM may interchangeably be referred to as CSAM.

- e. "Grooming" refers to predatory conduct, act, or pattern of acts, of establishing a relationship of trust, or emotional connection by another, with a child or someone who is believed to be a child, and/or the family, guardian and/or caregivers, whether in person or via electronic and other similar devices, for the purpose of perpetrating sexual abuse or exploitation or the production of any form CSAEM.
- 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/Kiosk/Shop" 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 (ICTSP)" 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 Streaming 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. The 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. "Luring" refers to the act of communicating, by means of a computer system or other similar mediums, with a child or someone who the offender believes to a child for the purpose of facilitating the commission of sexual activity or production of any form of CSAEM.
- 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 victims.
- m. "OSAEC Customer or Perpetrator" means any person who provides financial compensation to an OSAEC trafficker or child for any of CSAEM/ CSAM for any in-person sexual exploitation of a minor.
- n. "OSAEC Facilitator" means any person who procures children to do sexual act online, usually parents, older siblings or relatives.

o. "OSAEC Trafficker" means any person who usually abuses or exploits a child through

Of Off

the means of the internet through offering CSAEM/CSAM and/or 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, mechanical, digital, optical, magnetic or any other means of a 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.
- 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 recorded and saved to a file.) Unless the content is deliberately 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, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, of fraud, of deception, of the abuse of the power or of a position of vulnerability or 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 protective services for the purpose of determining whether child abuse has been committed.
- u. "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).
- v. "Network of Care" refers to a Trauma-Informed Network of Government and Private Facilities and Services 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.
- w. "Foster Care" refers to the provision of planned temporary substitute parental care to a child by foster parent.
- x. "Foster Child" refers to a child placed under foster care.
- y. "Foster Family Care License" refers to the document issued by the Department of Social Welfare and Development (DSWD) authorizing the foster parent to provide foster care.
- z. "Foster Parent" refers to a person, duly licensed by the DSWD, to provide foster care.
- aa. "Kinship Care" is the full-time care of a child by a relative or another member of the extended family.

bb. "Aruga at Kalinga sa mga Bata sa Barangay Project (ARUGA Strategy)" is a strategy whereby DSWD Regional Offices promote the implementation of foster care services in

& med

individual Barangays with a pool of foster parents in place. In addition, this strategy would espouse that children for foster care placement may either come from residential care facilities or may be referred/rescued from the community, should they be classified as cases necessitating emergency placement.

- cc. "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.
- dd. "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 International Justice Mission (IJM), IJM partners, or others.

ee. "Survivor Leadership" survivors are engaged as leaders who can shape programs or projects through their direct contribution and their impact and lead as movement against violence and slavery. Survivors can use their experience and expertise in a leadership capacity to empower and work with fellow survivors and the community offering their experience and expertise.

SECTION 5. PROHIBATED 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 acts:

- 1. Online child sexual abuse material accessing, possessing, profiling, producing and/or distributing images and/or videos of child sexual abuse;
- 2. Grooming of children for sexual purposes developing a relationship with a child to enable their sexual abuse and/or exploitation, either online or offline.
- 3. Live-streaming sexual abuse for children using online video applications to view, and sometimes interact with the sexual abuse of children live;
- 4. 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;
- 5. Other unlawful or prohibited acts under the 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 and Anti-Sexual Abuse or Exploitation Materials".

SECTION 6. RESPONSIBILITY OF BUSINESS OWNERS/OPERATORS AND OWNERS OR LESSORS OF OTHER BUSINESS ESTABLISHMENTS - All business owners/operators and owners or lessors of the other business establishments shall notify the Kananga Municipal Police Station (MPS) 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 exploitation within premises is a conclusive presumption of the knowledge of the business owners/operators and owners or lessors of other business establishments of the violations of this Ordinance; provided further, that a disputable presumption of knowledge by business owners/operators and owners or lessor of other business establishment should know or reasonably know that a violation of this Ordinance is being committed in their premises.

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 of Kananga where an internet café or kiosk is located shall have authority to monitor and regulate the establishment and operation of the same or similar establishments to prevent violation of the provisions of this Ordinance.

All internet cafés and kiosks, as well as money remittance centers should undergo a Seminar or Orientation on Online Sexual Abuse and Exploitation 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. Upon the discretion of the Kananga Business Permit and Licensing Office (BPLO), the said establishments may be issued a provisional license prior to the completion of the OSAEC seminars.

SECTION 8. MANDATORY SERVICES TO VICTIMS OF CHILD SEXUAL ABUSE OR EXPLOITATION – The Municipal Social Welfare and Development Office (MSWDO) 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 his/her 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 witness 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:

- a) Emergency shelter or appropriate housing;
- b) Alternative family-based care like Foster Care and Kinship Care;
- c) Counselling;
- d) Free legal services, which shall include information about the victim's right 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;
- e) Medical and/or psychological services;
- f) Livelihood and skills training;
- g) Educational assistance; and
- h) 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 carried out.

SECTION 9. COUNCIL AND COMPOSITION – There is hereby created an Inter-Agency Council Against Online Sexual Abuse and Exploitation of Children, and shall be composed of the following:

- a. Chairperson OIC, Women and Children Sector, KanangaMunicipal Police Station;
- b. Vice Chairperson Municipal Social Welfare and Development Officer;
- c. One (1) Family Court Judge to be designated by the Executive Judge, Regional Trial Court of Ormoc City;
- d. Representative, Office of the City Prosecutor;
- e. Head, Business Permits and Licensing Office;
- f. Head, Public Employment Services Office
- g. President, Liga ng mga Barangay Kananga Chapter:
- h. President, Pederasyon ng Sangguniang Kabataan of Kananga; and
- i. Representative From One (1) accredited NGO/CSO for Children.
- j. Chairperson of the Committee on Women, Family Relations and Gender Equality, Sangguniang Bayan or his/her duly designated representative;
- k. Chairperson of the Committee on Youth and Sports, Sangguniang Bayan or his/her duly designated representative;
- 1. Local Youth Development Officer;
- m. Municipal Health Officer;
- n. Representative from School District;
- o. Representative from the Municipal Legal Office;
- p. Representative from the Parents-Teacher Federated Association;
- q. Representative from the Church or Inter-Faith Communities;

r. Representative from a Non-Government Organization

The Council shall meet once a month if practicable, quarterly or as often as necessary in the performance of their functions.

SECTION 10. FUNCTIONS OF THE COUNCIL - The Council shall have the following responsibilities:

- a. Monitor and document cases of OSAEC in the Municipality.
- b. Coordinate with local agencies and non-government organizations to immediately respond and address the issues and problems attendant to OSAEC;
- c. Develop mechanism to ensure timely, coordinated and effective response to cases of OSAEC;
- d. Encourage and support initiatives which address OSAEC;
- e. Recommend the cancellation of licenses of establishment which violate the provisions of this Ordinance and ensure its effective prosecution;
- f. Undertake an information campaign against OSAEC though the establishment of an Information and Education Team;
- g. Recommend the services for the prevention, rescue, recovery, rehabilitation and reintegration support to victims of OSAEC;
- h. Strengthen, activate and mobilize committees, organization and specials bodies in the barangay level to prevent and suppress OSAEC.
- i. Recommend the utilization of funds appropriated under this Ordinance to the Municipal Budget Office;
- Conduct information campaign-capacity building;
- k. Establish international linkage and develop proper foreign coordination; and
- 1. Exercise all the power and perform such other functions necessary to attain the purposes 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:

- a. 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;
- b. Receive communication, concerns and complaints and coordinate with the Council members or pertinent local agencies to address the same;
- c. Coordinate with agencies in the performance of the Council's functions;
- d. Coordinate with the Regional Network of Care for technical assistance and services responsive to the needs of OSAEC survivor and their non-offending families;
- e. Consolidate and submit regular reports to the Council in relation to its functions; and
- f. 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:

- a. Provision of mandatory services including counseling, free legal services, medical or psychological services, livelihood and skills training and educational assistance to the child pursuant to Section 8 of this Ordinance;
- b. Sponsorship or 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;
- c. Provision of necessary technical and materials support services to appropriate government agencies and non-governmental organization (e.g. Mostly financial support for training, needs or Multi-Disciplinary Team (MDT) and network of care);
- d. Sponsorship of conference and seminars to provide venue for consensus building

amongst the public, the academe, government, non-governmental and international organizations including the regional network of care;

- e. Promotion of information and education campaign as regards to propagandas against Online-Sexual Abuse:
- f. Promotion of Survivor Empowerment, Leadership Development, Advocacy and Participation; and
- g. Establishment of a survivor network and local survivor support group.

As assessed and recommended by the local social worker, the program 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 perpetuator.

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 specialization and areas of expertise to organize and carry out work to address the holistic needs of the assessment, planning, implementation and review. (e.g. law enforcers, social workers from the local and from the residential facility, psychologist, teachers etc.)
- b. Multi-Disciplinary Case Conference (MDCC) is a forum by which professionals with major roles 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 family. All the information and discussion would be kept confidential.

SECTION 14. TRANINGS - 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:

- a. Law enforcement officials;
- b. Social workers:
- c. Teachers and parents;
- d. Barangay-based volunteer groups such as women and youth groups;
- e. School Children Protection Committees, Student Government and Parent-Teachers Association (PTA)
- f. 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 -

- a) The local Government Unit of Kananga shall establish a Local Child Protection and Response Center (LCPRC) through LGUs Bahay Kalinga Program and adopt the same that shall serve as a refuge for child victims in general. It shall provide for:
 - i. Temporary shelter for abused children;
 - ii. Interview rooms;
 - iii. Office for the Municipal Inter-Agency Council Against Online Sexual Abuse and Exploitation of Children and its Secretariat.

b) The Bahay Kalinga shall be provided with adequate personal and administrative staff to

effectively serve the best interests of children.

- c) The same shall also serve as an assessment center which shall serve to address the gap in the provision of comprehensive and timely assessments for OSAEC survivor placement as the basis for other partners in the Network of Care to provide case management.
 - i. The primary roles of assessment centers is to provide a safe and temporary home when newly rescued OSAEC survivor can receive specialized services and support for the start of their recovery.
- ii. The staff of the center are composed of a team of professionals (social workers, psychologists, counselors, medical doctors, and nurses) and paraprofessionals (house parents, security personnel and administrative support staff) who provide critical care specialist services and comprehensive assessment to newly recued OSAEC 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.
- iii. 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.
- iv. The critical assessment undertaken at the center include but are not limited to: psychological assessment; medical assessment; psychosocial assessment; and family assessment. The comprehensive assessment 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.
- v. 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.
- d) In the absence of an equivalent center, a specific room in LGU Kananga shall be established in according with the requirement of child-friendly space that shall serve the purpose promoting the best interests 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 Section 28 and 29 of Supreme Court No. 004-07-SC entitled "Rules on the Examination of the Child Witness". Considering the requirement 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., subject to the recommendations and approval of the Office of the City Prosecutor and/or Department of Justice (DOJ).

In the absence of 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 requirement of a child-friendly space, with a VIDI Mobile Kit.

There shall also be an established 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 Kananga Municipal Police Station, MSWDO and the equivalent centers such as Bahay Kalinga shall be provided with VIDI Mobile Kits which shall be comprised of the following:

- a. Video Camera with Charger and Case;
- b. Tripod;
- c. Laptop with Charger and Case;
- d. Storage Media (SD Card and Flash Drives);
- e. Extension Cord;

Joseph

June 1

Amos S

- f. Hard Drives;
- g. Forms and Support Documents Folder:
- i. Information Consent Form
- ii. Handling Log Sheet
- iii. Interview Guide and Script
- iv. Sample Joint Affidavit of Interview and Social Worker
- v. Blank Acknowledgement Receipts

SECTION 19. LOCAL ANTI-OSAEC PREVENTION AND AWARENESS PROGRAM – 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 Republic Act. No. 11862, Republic Act No. 11930, Republic Act No. 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 (ICTSP).

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 violators of any provisions of the Ordinance are hereby imposed as follows:

a. First Offense: The offender violating this Ordinance shall be penalized with a fine of Two Thousand Five Hundred Pesos (Php2,500.00) and undergo a mandatory OSAEC Seminar; b. Succeeding Offenses: The offender violating this Ordinance shall be penalized with a fine of Two Thousand Five Hundred Pesos (Php2,500.00) and undergo a mandatory OSAEC Seminar and/or imprisonment for a minimum of one (1) month but not more than six (6) months. Such fine or other penalty, or both, shall be imposed at the discretion of the Court.

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.

SECTION 22. KANANGA MUNICIPAL POLICE STATION – The Kananga MPS shall be the primary arm in implementing and enforcing this Ordinance including but not limited to authority to regulate internet café, kiosk mall owners, operators and other business establishments and those violation as stated in Section 5 hereof considering the welfare of the child victim/s.

Any violation of this Ordinance shall likewise be reported to the appropriate local government body such as the MSWDO by the Kananga MPS for monitoring and assessment purposes particularly for the safeguard and well-being of the child victim.

SECTION 23. APPROPRIATION – The Local Chief Executive shall appropriate an ideal amount every year the in the LGU's annual budget to fully implement the provision of this Ordinance. The same shall also be included in the annual investment program of the Municipality.

SECTION 24. SEPARABILITY CLAUSE – If any section or part of this Ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

remain in fu

Joseph

Sund S

SECTION 25. REPEALING CLAUSE – The provisions of previous local enactments, resolutions, memoranda, circular, and other issuances inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 26. EFFECTIVITY – This Ordinance shall take effect 15 days upon its publication or after due compliance with all the requirements provided under R.A. 7160, otherwise known as the Local Government Code of 1991.

CARRIED UNANIMOUSLY.

ENACTED AND APPROVED BY THE 23rd SANGGUNIANG BAYAN OF KANANGA, LEYTE DURING ITS REGULAR SESSION HELD ON DECEMBER 23, 2024 AT THE SB SESSION HALL, KANANGA, LEYTE

AYES: (07) NAYS: (0)

HON FERNANDO M. ASEO

Sangguniang Bayan Member/ Floor Leader

HON. RRENZON C. CABINTOY Sangguniang Bayan Member

(On leave)

HON. RUDY B. COGAY Sangguniang Bayan Member

(On leave)

HON. RICHIE C. CRUZ Sangguniang Bayan Member

HON. VICTOR ANO L. GLOBA Liga Ng Mga Balangay President/ Ex-officio Member HON. RESURRECTION C. CAPANAS

Sangguniang Bayan Member / Asst. Floor Leader

HON. ALMA N. ORFANO Sangguriang Bayan Member

HON. MINERYA M. BULAWIT Sangguniang Bayan Member

HON. ALLAN C. ESPINOSA Sangguniang Bayan Member

(On leave)

HON. MARY DANIELA L. CUBERO Pambayang Pederasyon Ng Sangguniang Kabataan President/Ex-officio Member

I HEREBY CERTIFY to the correctness of the afore-quoted Ordinance

(Board Secretary V)

Secretary to the Sangguniang Bayan

ATTESTED:

HON. MIGUEL JORGE P. TAN Municipal Vice Mayor/Presiding Officer

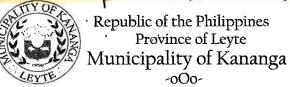
APPROVED:

HON. MANUEL VICENTE M. TORRES

Municipal Mayor

(Date)

Attachment of Ordinance No. 281_24-073



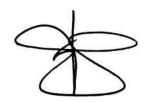
Office of the Secretary to the Sangguniang Bayan

NOTICE OF PUBLIC HEARING

(Scheduled on December 19, 2024 at ABC Hall Building)

The public is hereby notified that a Public Hearing on the

- 1. Ordinance No. 23L.24-045- An Ordinance amending the provisions of Children's & Youth Welfare Code of the Municipality of Kananga.
- 2. Ordinance No. 23L.24-063- An Ordinance prohibiting any person from consuming or drinking of alcoholic beverages in any public places in the Municipality of Kananga, Leyte.
- 3. Ordinance No. 23L.24-064 An Ordinance requiring business establishments and other places and spaces considered as high-risk in the Municipality of Kananga, Leyte to install Video Surveillance Cameras or Closed-Circuit Television (CCTV) and providing penalties for violations thereof and for other purposes.
- 4. Ordinance No. 23L:24-065- An Ordinance establishing guidelines on the Disposition and Allocation of Philhealth Konsultasyong Sulit at Tama Package Fund or the Philhealth Konsulta Package Fund of the Municipality of Kananga, Leyte.
- 5. Ordinance No. 23L.24-066-An Ordinance prohibiting the sale, dispensing, distribution, reselling of any pharmaceutical products in Sari-sari Stores and other similar retail outlets within the territorial jurisdiction of the Municipality of Kananga, and providing penalties for violations thereof.
- 6. Ordinance No. 23L.24-067- An Ordinance establishing the Municipal Epidemiology and Surveillance Unit (MESU) of Kananga, Leyte, providing its composition, duties and functions, appropriating funds therefor and for other purposes.
- 7. Ordinance No. 23L.24-070 An Ordinance Providing for Benefits and Privileges to Solo Parents and their children.



- 8. Ordinance No. 23L.24-072- An Ordinance prescribing the policies, conditions, and guidelines on the reclassification of lands within the territorial jurisdiction of Kananga, imposing fees and charges for the application thereof.
- 9. Ordinance No. 23L.24-073- An ordinance prohibiting acts of Online Sexual Abuse and Exploitation of Children (OSAEC) and the Anti-Child Sexual Abuse or Exploitation Materials (ACSAEM) in the Municipality of Kananga with corresponding penalties, thereafter providing a supportive environment for the survivors.
- 10. Ordinance No. 23L.24-074- An ordinance operationalizing Republic Act No. 10173 or the Data Privacy Act of 2012 in the Municipality of Kananga, and providing guidelines therefor.

will be conducted by the 23rd Sangguniang Bayan of Kananga on the 19th day of December 2024, Thursday, from 9:00 in the morning at the ABC Hall Building, Barangay Poblacion, Kananga, Leyte.

All interested parties / individuals are invited to attend the Public Hearing.

9 December 2024

ATTY. ALLAN R. CASTRO

(Board Secretary V)

Secretary to the Sangguniang Bayan

Republic of the Philippines Province of Leyte Municipality of Kananga SANGGUNIANG BAYAN OF KANANGA

PUBLIC HEARING

ORDINANCE NO. 23L.24-063 (series of 2024)

AN ORDINANCE PROHIBITING ANY PERSON FROM CONSUMING OR DRINKING OF ALCOHOLIC BEVERAGES IN ANY PUBLIC PLACES IN THE MUNICIPALITY OF KANANGA, LEYTE.

ORDINANCE NO. 23L.24-064 (series of 2024)

AN ORDINANCE REQUIRING BUSINESS ESTABLISHMENTS AND OTHER PLACES AND SPACES CONSIDERED AS HIGH-RISK IN THE MUNICIPALITY OF KANANGA, LEYTE TO INSTALL VIDEO SURVEILLANCE CAMERAS OR CLOSED-CIRCUIT TELEVISION (CCTV) AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

ORDINANCE NO. 23L.24-065 (series of 2024)

AN ORDINANCE ESTABLISHING GUIDELINES ON THE DISPOSITION AND ALLOCATION OF PHILHEALTH KONSULTASYONG SULIT AT TAMA PACKAGE FUND OR THE PHILHEALTH KONSULTA PACKAGE FUND OF THE MUNICIPALITY OF KANANGA, LEYTE

ORDINANCE NO. 23L.24-066 (series of 2024)

AN ORDINANCE PROHIBITING THE SALE, DISPENSING, DISTRIBUTION, RESELLING OF ANY PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF KANANGA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

ORDINANCE NO. 23L.24-067 (series of 2024)

AN ORDINANCE ESTABLISHING THE MUNICIPAL EPIDEMIOLOGY AND SURVEILLANCE UNIT (MESU) OF KANANGA, LEYTE, PROVIDING ITS COMPOSITION, DUTIES AND FUNCTIONS, APPROPRIATING FUNDS THEREOF AND FOR OTHER PURPOSES.

ORDINANCE NO. 23L.24-072 (series of 2024)

AN ORDINANCE PRESCRIBING THE POLICIES, CONDITIONS, GUIDELINES ON THE RECLASSIFICATION OF LANDS WITHIN THE TERRITORIAL JURISDICTION OF KANANGA, IMPOSING FEES AND CHARGES FOR THE APPLICATION THEREOF.

Office of the Secretary to the Sangguniang Bayan

MINUTES OF PUBLIC HEARING HELD BY THE SANGGUNIANG BAYAN ON DECEMBER 19, 2024 AT THE ABC HALL BUILDING, BRGY. POBLACION, KANANGA, LEYTE FOR THE MUNICIPAL ORDINANCE NO. 23L.24-073, SERIES OF 2024

1. Ordinance No. 23L.24-073- An ordinance prohibiting acts of Online Sexual Abuse and Exploitation of Children (OSAEC) and the Anti-Child Sexual Abuse or Exploitation Materials (ACSAEM) in the Municipality of Kananga with corresponding penalties, thereafter providing a supportive environment for the survivors.

(Attendance hereto attached)

The Public Hearing was conducted by the Office of the Sangguniang Bayan spearheaded by the Office of the Vice Mayor thru Facebook Page and Posting in the public places. The Public Hearing was attended by the Punong Barangay during the monthly meeting of Liga Ng Mga Barangay and it was open at 9:35 in the morning with opening prayer led by SB Secretary Atty. Allan R. Castro and also the master of the ceremony.

Atty. Castro introduced Hon. Capanas as the authored of the following draft ordinances.

Hon. Resurreccion C. Capanas(Chairman of the Committee on Rules and Laws) read and explained all the provision of the said ordinance specifically the prohibited acts. He said that this ordinance is the response of Republic Act No. 11882 of Section 11 that LGUs shall be mandated to pass an Ordinance to combat trafficking in persons and other forms of exploitation at the local level; and to 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 and another Section 33 of Republic Act No. 11930 or the "Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials" 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 initiative that address OSAEC and CSAEM at the barangay level, establish OSAEC and CSAEM prevention programs that aims 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. He said that 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:

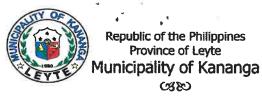
- a) Emergency shelter or appropriate housing;
- b) Alternative family-based care like Foster Care and Kinship Care;
- c) Counselling;
- d) Free legal services, which shall include information about the victim's right and the procedure for filing of complaints, claims for compensation and such other legal remedies available to them in a language understood by the child;
- e) Medical and/or psychological services;
- f) Livelihood and skills training;
- g) Educational assistance; and

He reiterated that this ordinance mandated barangays to support the implementation in barangay level.

The closing and final message was rendered by Municipal Vice Mayor Hon. Miguel Jorge P. Tan and public hearing formally ended at 12:10 PM.

Prepared by:

MARISEL B DIZON ocal Legislative Staff Assistan



Office of the Sangguniang Bayan

Telephone No. (053) 5539173 Email Address: sbkananga6531@gmail.com

January 9, 2025

CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that for the period January 7 to January 17, 2025 the copies of the MUNICIPAL ORDINANCE NO. 23L.24-073 series of 2024, entitled: "AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) AND THE ANTI-CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (ACSAEM) IN THE MUNICIPALITY OF KANANGA, CORRESPONDING PENALTIES, THEREAFTER PRODDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS.":

- 1. Bulletin Board at the entrance of Municipal Hall, Kananga, Leyte
- 2. Post at the Kananga Public Market Rotonda, Kananga, Leyte and
- 3. Entrance to the Session Hall, Kananga, Leyte

Issued this 9th day of January, 2025 in Kananga, Leyte

SAM JUNE NAVIA Administrative Aide III