

Item No.: 23
Date: 18 2025 MAR



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Province of Leyte
Legal Office

Case No. 9.00
Time: 3.5.25
Date: 3.5.25

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PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
February 26, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2025-04 of the Sangguniang Bayan of Albuera, Leyte.

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

- Ordinance No. 2025-04 entitled: **"An Ordinance prohibiting 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 RA 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
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;

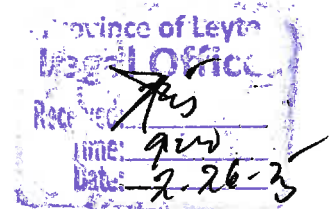
² "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

³ "Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act, July 30, 2022."

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
26 February 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2025-04** of the **Municipality of Albura, Leyte**, entitled: **An Ordinance prohibiting online Sexual Abuse and Exploitation of Children (OSAEC) and Child Sexual Abuse or Exploitation Materials (CSAEM) in the Municipality of Albura, Leyte, imposing penalties for violation thereof, providing a supportive environment to victims and allocating funds therefor.**


FLORINDA J. UYVICO
Secretary to the Sangguniang



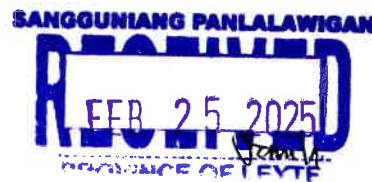
Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albura

OFFICE OF THE SANGGUNIANG BAYAN SECRETARIAT

TRANSMITTAL

February 25, 2025

Hon. Leonardo Javier, Jr.
Vice-Governor
Province of Leyte
Palo, Leyte



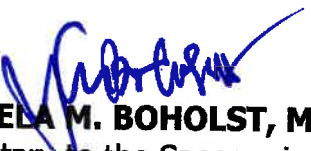
Thru: Florinda Jill S. Uyvico
Secretary to the Sanggunian
Province of Leyte

Dear Vice Governor Javier:

Respectfully transmitting herein **Ordinance No. 2025-04**, "An Ordinance Prohibiting Online Sexual Abuse and Exploitation of Children (OSAEC) and Child Sexual Abuse or Exploitation Materials (CSAEM) in the Municipality of Albura, Leyte, Imposing Penalties for Violation Thereof, Providing a Supportive Environment to Victims, and Allocating Funds Therefor."

Please acknowledge receipt hereof.

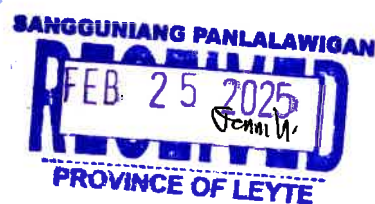
Very truly yours,


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albura

OFFICE OF THE SANGGUNIANG BAYAN




CERTIFICATION

TO THE CONCERNED:

THIS IS TO CERTIFY that **Ordinance No. 2025-04, "An Ordinance Prohibiting Online Sexual Abuse and Exploitation of Children (OSAEC) and Child Sexual Abuse or Exploitation Materials (CSAEM) in the Municipality of Albura, Leyte, Imposing Penalties for Violation Thereof, Providing a Supportive Environment to Victims, and Allocating Funds Therefor,"** has been posted in the bulletin board of the Sangguniang Bayan of Albura, Leyte on February 14, 2025 and shall remain posted until a period of two (2) consecutive weeks thereof.

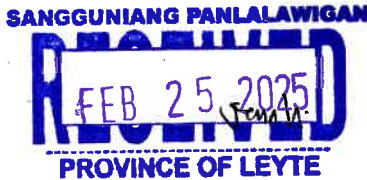
ISSUED this 17th day of February 2025 at Albura, Leyte, Philippines.


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albura

OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 129TH REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT
THE SB SESSION HALL OF ALBUERA, LEYTE ON FEBRUARY 10, 2025

ORDINANCE NO. 2025-04

**AN ORDINANCE PROHIBITING ONLINE SEXUAL ABUSE AND
EXPLOITATION OF CHILDREN (OSAEC) AND CHILD SEXUAL ABUSE
OR EXPLOITATION MATERIALS (CSAEM) IN THE MUNICIPALITY OF
ALBUERA, LEYTE, IMPOSING PENALTIES FOR VIOLATION
THEREOF, PROVIDING A SUPPORTIVE ENVIRONMENT TO VICTIMS,
AND ALLOCATING FUNDS THEREFOR**

**INTRODUCED BY: HON. BERNARD JOEY D. MESTULA
SPONSORED BY: COMMITTEE ON YOUTH & SPORTS DEVELOPMENT**

PREFATORY STATEMENT

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, R.A No. 9775 or the "Anti-Pornography Act" guarantees the fundamental rights of every child and protects every child from all forms of exploitation and abuse such as child pornographic performances and materials and inducement or coercion to engage or be involved in pornography, in SPST-006-00 Page 1 of 10 compliance with the Convention on the Rights of the Child (CRC) and Optional Protocol to the Convention on the Rights of the Child on the State of Sale of Children, Child Prostitution and Child Pornography;

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

WHEREAS, RA 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" provides that it is the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development, provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination;

WHEREAS, the Municipality of Albura has striven and continues to strive to be child friendly;

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, so, too, do sexual crimes, exploitations and abuses committed against children where online tools and/or services are used;

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WHEREAS, the common online sexual exploitation includes grooming, live streaming, consuming child sexual abuse material, and coercing and blackmailing children for sexual purposes;

WHEREAS, online sexual abuse and exploitation of children is a hidden crime unknown to many but has experienced increasingly by the most vulnerable sector in the Philippines;

WHEREAS, according to the 2015 National Baseline Survey on Violence Against Children, 1 in 2 Filipino children has experienced online violence including sexual violence and bullying;

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

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

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

NOW, THEREFORE, BE IT ENACTED BY THE SANGGUNIANG BAYAN IN SESSION DULY ASSEMBLED THAT:

SECTION 1. TITLE. This Ordinance shall be known as "AN ORDINANCE PROHIBITING ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) AND CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (CSAEM) IN THE MUNICIPALITY OF ALBUERA, LEYTE, IMPOSING PENALTIES FOR VIOLATION THEREOF, PROVIDING A SUPPORTIVE ENVIRONMENT TO VICTIMS, AND ALLOCATING FUNDS THEREFOR" OR "ANTI-OSAEC & CSAEM ORDINANCE OF ALBUERA, LEYTE."

SECTION 2. SCOPE AND APPLICATION. This Ordinance covers all households, internet and allied business establishments, private business establishments, government agencies and their facilities within the Municipality of Albueria, Leyte.

SECTION 3. DECLARATION OF POLICY. The Municipality of Albueria, Leyte hereby declares as policy that:

- a. Each child is protected against the ill-effects of and the dangers of unsafe internet use, and 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 their provisions in ensuring online safety.

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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:
 1. A person regardless of age who is presented, depicted or portrayed as a child defined herein;
 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 pornography" refers to any 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.
- c. "Child Sexual Exploitation Material (CSEM)" refers to any visual or audio (and/or any combination thereof) representation of minors under the age of 18 engaged in sexual activity or of minors engaging in lewd or erotic behavior recorded, produced and/or published to arouse the viewer's sexual interest.
- d. "Explicit Sexual Activity" includes actual or simulated —
 - i. As to form — sexual intercourse or lascivious act including, but not limited to, contact involving genital to genital, oral to genital, anal to genital, or oral to anal, whether between persons of the same or opposite sex;
 - ii. Bestiality;
 - iii. Masturbation;
 - iv. Sadistic or masochistic abuse;
 - v. Lasciviousness exhibition of the genitals, buttocks, breasts, pubic area and/or anus; or
 - vi. Use of any object or instrument for lascivious acts.
- e. "Grooming" refers to the act of preparing a child or someone who the offender believes to be a child for sexual activity or sexual relationship by communicating any form of child pornography. It includes online enticement or enticement through any other means.
- f. "Internet address" refers to a website, bulletin board service, internet chat room or news group, or any other internet or shared network protocol address.
- g. "Internet café or kiosk" refers to an establishment that offers or proposes to offer services to the public for the use of its computer/s or computer system for the purposes of accessing the internet, computer games or related services.
- h. "Internet content host" refers to a person who hosts or who proposes to host internet content in the Philippines.
- i. "Internet and Communications Technology Service Provider (ICT SP)" is a person or entity that captures, transmits or displays or any combination thereof of voice, image, text or data and information electronically for the recording, processing, monitoring or transmission of voice or data, image or text or any communication thereof for use in data processing, transmission, duplication, text processing, document reproduction or transmission, record-keeping or retrieval, broadcasting or transmission for entertainment or information purposes

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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 to that instance when there is a transmission of a child sexual abuse to a viewer/s in real time through "streaming" over the internet. Abuse video is transmitted instantaneously to the viewer who can watch, engage and even direct abuse while it is occurring. This can take both commercial and non-commercial forms.

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

l. "Offender" is a person or group of persons who violated Section 4 R.A. 11930.

m. "Online Sexual Abuse and Exploitation of Children (OSAEC)" refers to the production, for the purpose of online publication or transmission, of visual depictions (e.g. photos, videos, live streaming) of the sexual abuse or exploitation of a minor for a third party who is not in the physical presence of the victim, in exchange for compensation.

n. "OSAEC Customer" means any person who provides financial compensation to an OSAEC trafficker or child for any form of CSEM or for any in-person sexual exploitation of a minor.

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

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

q. "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.

r. "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.

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

t. "Trafficking in Persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

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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 acts:

- 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 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 Republic Act No. 9775 or "Anti-Child Pornography Act of 2009, to wit:
 - i. To hire, employ, use, persuade, induce, extort or coerce a child to perform in the creation or production of any form of sexual abuse or exploitation material;
 - ii. To produce, direct, manufacture or create any form of child sexual abuse or exploitation material;
 - iii. To publish, offer, transmit, sell, distribute, broadcast, advertise, promote, export or import any form of sexual abuse or exploitation material;
 - iv. To possess any form of child abuse or exploitation material with the intent to sell, distribute, publish or broadcast: *Provided*, that possession of more than one (1) child sexual abuse or exploitation material of the same form shall be prima facie evidence of the intent to sell, distribute, publish or broadcast;
 - v. To knowingly, willfully and intentionally provide a venue for the commission of prohibited acts such as, but not limited to, dens, private rooms, cubicles, cinemas, houses or in establishments purporting to be legitimate businesses;
 - vi. For film distributors, theaters and telecommunications companies, by themselves or in cooperation with other entities, to distribute any form of sexual abuse or exploitation material;
 - vii. For a parent, legal guardian or person having custody or control of a child to knowingly permit the child to engage, participate or assist in any form of sexual abuse or exploitation; - To engage in the luring or grooming of a child;
 - viii. To engage in pandering of any form of child sexual abuse or exploitation material;
 - ix. To willfully access any form of child sexual abuse or exploitation material;
 - x. To conspire to commit any of the prohibited acts stated in this section. Conspiracy to commit any form of child sexual abuse or exploitation shall be committed when two (2) or more persons come to an agreement concerning the commission of any of the said prohibited acts and decide to commit it; and
 - xi. To possess any form of child sexual abuse or exploitation material.

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SECTION 6. DUTIES OF AN INFORMATION AND COMMUNICATION TECHNOLOGY SERVICE PROVIDER (ICT SP). All Information and Communications Technology Service Providers (ICT SPs) shall notify the Philippine National Police – Albuer, Leyte and the National Bureau of Investigation (NBI) within seven (7) days from obtaining facts and circumstances that any form of child sexual abuse or exploitation is being committed using its server or facility. Nothing in this section may be construed to require an ICT SPs to engage in the monitoring of any user, subscriber or customer, or the content of any communication of any such person: *Provided*, that no ICT SP shall be held civilly liable for damages on account of any notice given in good faith in compliance with this section.

Further, an ICT SP shall preserve such evidence for purposes of investigation and prosecution by relevant authorities.

An ICT SP shall, upon the request of proper authorities, furnish the particulars of users who gained or attempted to gain access to an internet address which contains any form of child sexual abuse or exploitation.

All ICT SP shall install available technology, program or software to ensure that access to or transmittal of any form of child sexual abuse or exploitation will be blocked or filtered.

An ICT SP who shall knowingly, willfully and intentionally violate this provision shall be subject to the penalty provided under Section 19 of this Ordinance.

SECTION 7. RESPONSIBILITY OF OPERATORS AND/OR OWNERS OR LESSORS OF BUSINESS ESTABLISHMENTS. All operators and owners or lessors of business establishments shall notify the PNP - Albuer 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 operators and/or owners or lessors of business establishments of the violations of this Ordinance: *Provided further*, that a disputable presumption of knowledge by operators and/or owners or lessors of business establishments should know or reasonably know that a violation of this Ordinance is being committed in their promises.

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 19 of this Ordinance.

SECTION 8. DUTIES OF AN INTERNET CONTENT HOST. An internet content host shall:

- Not host any form of child sexual abuse or exploitation on its internet address;
- Within forty-eight (48) hours, report the presence of any form of child sexual abuse or exploitation, as well as the particulars of the person maintaining, hosting, distributing or in any manner contributing to such internet address, to the proper authorities; and
- Preserve such evidence for purposes of investigation and prosecution by relevant authorities.

An internet content host shall, upon the request of proper authorities, furnish the particulars of users who gained or attempted to gain access to an internet address that contains any form of child sexual abuse or exploitation.

An internet content host who shall knowingly, willfully and intentionally violates this provision shall be subject to the penalty provided under Section 19 of this Ordinance: *Provided*, that failure of the internet content host to remove any form of child abuse or exploitations material within 48

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hours from receiving the notice that any form of child sexual abuse or exploitation is hitting its server shall be conclusive evidence of willful and intentional violation thereof.

SECTION 9. AUTHORITY TO REGULATE INTERNET CAFÉ OR KIOSK. LGU Albuera shall have the authority to monitor and regulate the establishment and operation of internet cafés or kiosks or similar establishments within its territorial jurisdiction in order to prevent violation of the provisions of this Ordinance.

SECTION 10. CONFIDENTIALITY. The right to privacy of the child shall be ensured at any stage of the investigation, prosecution and trial of an offense under this Ordinance. Toward this end, the following rules shall be observed:

a. The judge, prosecutor or any officer of the law to whom the complaint has been referred to may, whenever necessary to ensure a fair and impartial proceeding and after considering all circumstances for the best interest of the child, conduct a closed-door investigation, prosecution or trial;

b. The name and personal circumstances of the child including the child's immediate family, or any other information tending to establish his/her identity shall not be disclosed to the public;

c. Any record regarding a child shall be confidential and kept under seal. Except upon written request and order of the court, a record shall be released only to the following:

- i. Members of the court staff for administrative use;
- ii. The prosecuting attorney;
- iii. Defense counsel;
- iv. The guardian ad litem;
- v. Agents of investigating law enforcement agencies; and
- vi. Other persons as determined by the court.

d. Any form of child sexual abuse or exploitation that is part of the court records shall be subject to a protective order that provides the following:

- i. Any form of child sexual abuse or exploitation material may be viewed only by the parties, their counsel, their expert witness and guardian ad litem;
- ii. Neither form of child sexual abuse or exploitation material nor any portion thereof shall be divulged to any other person, except as necessary for investigation, prosecution or trial; and
- iii. No person shall be granted access to any form of child sexual abuse or exploitation material or any part thereof unless he/she signs a written affirmation that he/she has received and read a copy of the protection order; that he/she submits to the jurisdiction of the court with respect to the protective order; and that, in case of violation thereof, he/she will be subject to the contempt power of the court; and

e. In cases when prosecution or trial is conducted behind closed doors, it shall be unlawful for any editor, publisher and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing the tri-media facilities or information technology to publish or broadcast the names of the victims of any case of child sexual abuse or exploitation.

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Any violation of this provision shall be subject of the penalty' provided under Section 19 of this Ordinance.

SECTION 11. CARE, CUSTODY AND TREATMENT OF A CHILD VICTIM. 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 his/her recovery and reintegration in accordance with existing laws.

The child and his/her 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.'

The child shall also be considered as a victim of a violent crime defined under Section 3 (d) of Republic Act No. 7309, otherwise known as "An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and Other Purposes," so that the child may claim compensation therein.

SECTION 12. CONFISCATION AND FORFEITURE OF THE PROCEEDS, TOOLS AND INSTRUMENTS USED IN CHILD SEXUAL ABUSE OR EXPLOITATION. In addition to the penalty imposed for the violation of this Ordinance, the court shall order the confiscation and forfeiture in favor of the government of all the proceeds, tools and instruments used in the commission of the crime, unless they are the properties of a third person not liable for the unlawful act; Provided, however, that all awards for damages shall be taken from the personal and separate properties of the offender: Provided, further, that if such properties are insufficient, the deficiency shall be taken from the confiscated and forfeited proceeds, tools and instruments.

All proceeds derived from the sale of properties used for the commission of any form of child sexual abuse or exploitation shall accrue to the special account of the Municipal Social Welfare and Development Office which shall be used exclusively for the implementation of this Ordinance.

When the proceeds, tools and instruments used in the commission of the offense have been destroyed and diminished in value or otherwise rendered worthless by an act or omission, directly or indirectly, of the offender, or they have been concealed, removed, converted or transferred to prevent the same from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, tools and instruments used in the commission of the offense.

SECTION 13. MANDATORY SERVICES TO VICTIMS OF CHILD SEXUAL ABUSE OR EXPLOITATION. 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. Counselling;
- c. 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;
- d. Medical or psychological services;
- e. Livelihood and skills training; and
- f. Educational assistance. Sustained supervision and follow through mechanism that will track the progress of recovery, rehabilitation and reintegration of the child victims shall be adopted and carried out.

MANUEL E. BANTASAN

ANTHONY V. BARTE

LENY S. BILBAO

ANA LIZA E. DELA VICTORIA

ALBERTO D. SUMALJAG

BERNARD JOEY D. MESTULA

PAMELA M. BOHOLST

SIXTO B. DELA VICTORIA

IMELDA A. FADUL

ROXANNE R. ZALDIVAR

MARY JANE B. BACULA

MARJUN P. MAGNO

PROTACIO RIZALITO M. CENIZA

SECTION 14. 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. Chair of the Committee on Health, Social Services, Community Development, Anti-Abuse & Gender & Development, Sangguniang Bayan or his/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 his/her duly designated representative as Member;
- e. Local Youth Development Officer as Member
- f. Municipal Health Officer as Member;
- g. Chief of Police – PNP Albueria as Member;
- h. Representative from the child rights non-government organization as Member;
- i. Representative from the Prosecutor's Office as Member;
- j. President of the Federated Student Council of Albueria, Leyte as Member;
- k. President or Representative from the Federation of Parents-Teachers Association, Albueria, Leyte as Member;
- l. President of the Liga ng Mga Barangay as Member;

The Local Chief Executive shall convene the Council within two (2) months from the effectivity of this Ordinance. The Council shall meet quarterly or as the need arises in the performance of its functions.

SECTION 15. 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 issues and problems attendant to OSAEC;
- c. Develop mechanism to ensure timely, coordinated and effective response to cases of OSAEC;
- d. Encourage and support local government unit's initiatives which address OSAEC;
- e. Recommend the cancellation of licenses of establishments which violate the provisions of this Ordinance and ensure their effective prosecution;
- f. Undertake an information campaign against OSAEC through 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;

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- h. Strengthen, activate and mobilize committees and organizations and special 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;
- j. Exercise all the powers and perform such other functions necessary to attain the purpose and objectives of this Ordinance.

SECTION 16. 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 communications, 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. Consolidate and submit regular reports to the Council in relation to its functions;
- e. Perform such other functions as the Council will assign.

SECTION 17. 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 counselling, free legal services, medical or psychological services, livelihood and skills training and educational assistance to the child pursuant to Section 13 of this Ordinance;
- b. 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;
- c. Provision of necessary technical and material support services to appropriate government agencies and non-governmental organizations;
- d. Sponsorship of conferences and seminars to provide venues for consensus building among the public, the academe, government, non-governmental and international organizations; and
- e. Promotion of information and education campaign.

SECTION 18. 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 officials and volunteers in the barangay level for the purpose of equipping them with the necessary knowledge and skills to prevent and suppress OSAEC in their areas of jurisdiction or to assist in the monitoring, investigation and prosecution of cases of OSAEC.

- a. Barangay VAWC-Desk Officers;
- b. Law Enforcement Officials;
- c. Social Workers;
- d. Teachers and Parents;

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MARJUN P. MAGNO

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- e. Barangay-based volunteer groups, such as women and youth groups; and
- f. Other stakeholders.

SECTION 19. PENALTIES. Without prejudice to penalties and fines as may be provided by other relevant laws, the following penalties for violations of any provision 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 shall 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 shall undergo a mandatory OSAEC Seminar; and
- c. **Third and Succeeding Offenses:** The offender violating the Ordinance shall be penalized with a fine of Two Thousand Five Pesos (Php 2,500.00) and shall undergo a mandatory OSAEC Seminar, cancellation of business permit and imprisonment.

If the offender is a public official or employee, apart from the penalties, he/she shall also be held liable administratively.

In case the offender is a minor, the parents shall be responsible for the financial or civil liability stated thereon and shall undergo family counselling with the child.

SECTION 20. FUNDING. The expenses for the implementation of this Ordinance but limited to trainings, rescue and surveillance operations, advocacy programs, transportation, legal and medical expenses for rescued victims shall be appropriated in the General Budget or any Supplemental Budget of LGU-Albuera. The operation and activities of the Council shall be considered as related to gender and development projects of the LGU and the funding therefore shall be part of the 5% gender and development fund or Peace and Order Program 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.

SECTION 21. IMPLEMENTING RULES AND REGULATIONS. The Office of the Municipal Mayor, with participation of Local Offices which include, among others, MSWDO, MHO, LYDO, Albuera PNP and DEPED shall formulate the implementing rules and regulations for the effective implementation of the provisions of this ordinance within 30 days from its effectivity.

SECTION 22. 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 23. SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared ultra vires or unconstitutional by competent authority, the remainder not so affected shall continue to be in full force and effect as it is susceptible to enforcement and application.

SECTION 24. EFFECTIVITY. This Ordinance shall take effect immediately upon approval.


APPROVED.

ENACTED BY THE SANGGUNIANG BAYAN OF ALBUERA, LEYTE TERM 2022 – 2025 DURING ITS 129th REGULAR SESSION HELD ON FEBRUARY 10, 2025 AT THE SB SESSION HALL, ALBUERA, LEYTE.

MICHAEL E. BANTASAN
ANTHONY V. BARTE
JENY S. BILBAO
ANA LIZA E. DELA VICTORIA
ALBERTO D. SUMALJAG
BERNARD JOEY D. MESTULA
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SIXTO B. DELA VICTORIA
IMELDA A. FADUL
ROXANNE R. ZALDIVAR
MARY JANET MAGSILA
MARJUN P. MAGNO
PROTACIO RIZALTO M. CENIZA

ATTESTED AND CERTIFIED TO BE DULY ADOPTED:


ROXANNE R. ZALDIVAR
SB Member I

ANTHONY V. BARTE
SB Member I

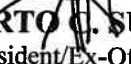

MARY JANE B. CAGULA
SB Member I


LENY S. BILBAO
SB Member I


MARJUN P. MAGNO
SB Member I


ANA LIZA E. DELA VICTORIA
SB Member I

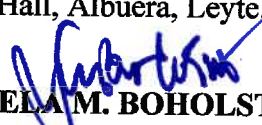

PROTACIO RIZALITO M. CENIZA
SB Member I


ALBERTO C. SUMALJAG
LnB President/Ex-Officio Member


MANUEL E. BANTASAN
SB Member I



BERNARD JOEY D. MESTULA
PPSK President/Ex-Officio Member

I HEREBY CERTIFY that this is a true and accurate copy of the Ordinance duly enacted by the Sangguniang Bayan of Albura, Leyte Term 2022 – 2025 on its 129th Regular Session on February 10, 2025 at the SB Session Hall, Albura, Leyte.


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I


IMELDA A. FADUL
Municipal Vice-Mayor/Presiding Officer

APPROVED:


SIXTO B. DELA VICTORIA
Municipal Mayor
Date: FEB 14 2024













Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albueria

OFFICE OF THE SANGGUNIANG BAYAN
ATTENDANCE SHEET

129th REGULAR SESSION
of the Sangguniang Bayan

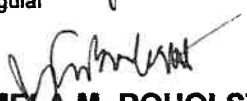
SB Session Hall
Venue

February 10, 2025

No.	Name & Designation	Signature
1	Hon. IMELDA A. FADUL Mun. Vice Mayor / Presiding Officer	
2	Hon. ROXANNE R. ZALDIVAR SB Member	
3	Hon. MARY JANE B. CAGULA SB Member	
4	Hon. MARJUN P. MAGNO SB Member	
5	Hon. PROTACIO RIZALITO M. CENIZA SB Member	
6	Hon. MANUEL E. BANTASAN SB Member	
7	Hon. ANTHONY V. BARTE SB Member	On Leave
8	Hon. LENY S. BILBAO SB Member	
9	Hon. ANA LIZA E. DELA VICTORIA SB Member	
10	Hon. ALBERTO C. SUMALJAG ABC President, Ex-Officio	
11	Hon. BERNARD JOEY D. MESTULA SK Federation President, Ex-Officio	

CERTIFICATION

I hereby certify that those who have affixed their signatures above, have actually attended the 129th Regular Session of the Sangguniang Bayan of Albueria, Leyte, held at the SB Session Hall on February 10, 2025


PAMELA M. BOHOLST
Secretary to the Sanggunian Bayan