



Republic of the Philippines
Province of Romblon
MUNICIPALITY OF LOOC
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 103RD REGULAR SESSION OF THE 2022-2025 SANGGUNIANG BAYAN OF LOOC, PROVINCE OF ROMBLON HELD AT MUNICIPAL SESSION HALL ON AUGUST 16, 2024.
PRESENT:

HON. PERIANO R. BERNARDOActing Municipal Vice Mayor/
Presiding Officer
HON. MENCHIE M. GARACHICOSB Member
HON. ROLANDO F. BAUTISTASB Member
HON. MICHAEL P. FRANCISCOSB Member
HON BENJAMIN F. GALINDEZ JRSB Member
HON. JOSEFINA G. MORTELLnB President
HON. JOHN KENNETH S. GARCIA.....SK Federation President

ON OFFICIAL TRAVEL

HON. ISMAEL S. OSORIO JRMunicipal Vice Mayor
HON. JONATHAN T. GAYTANOSB Member
HON. ADRIAN C. GAYTANOSB Member
HON. TEODULO G. TIROL JR.....

ABSENT:

NONE

MUNICIPAL ORDINANCE NO. 035 - 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 LOOC ROMBLON

Sponsor: Hon. Menchie M. Garachico

*Co Sponsors: Hon. Periano R. Bernardo, Hon. Rolando F. Bautista,
Hon. Michael P. Francisco, Hon. Benjamin F. Galindez Jr.,
Hon. Josefina G. Mortel, & Hon. John Kenneth S. Garcia*

WHEREAS, The 1987 Constitution mandates the state to defend the right 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. 19930 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 or sexual violence, abuse and exploitation especially those committed with the use of

Information and communications Technology (ICT), provide sanctions for their commission and carry out programs for the prevention, deterrence and intervention in all situations of online sexual abuse and exploitation of children in digital and no-digital production, distribution or possession of child sexual abuse or exploitation material;

WHEREAS, Section 11(i) of Republic Act 11862 specifically provides that LGUs shall mandated to pass an Ordinance to combat trafficking in persons and other form 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 provides that Local Governments shall pass an Ordinance localize efforts against OSAEC and CSAEM, take into account local culture and norms, institutionalize community based initiatives that address OSAEC and CSAEM at 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 perpetrators to produce, access and share sexual abuse materials. Find like-minded offenders and reduce their risk of detection;

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 sexual abuse and exploitation;

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

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

NOW, THEREFORE, Be it Ordained by the Sangguniang Bayan of Looc, Romblon in Regular Session Assembled:

SECTION 1. Title - This Ordinance shall be known as the "An Ordinance Prohibiting Online Sexual Abuse and Exploitation of Children in the Municipality of Looc, Romblon.

SECTION II. Scope and Application - This Ordinance covers all household, internet and allied business establishments, private business establishments, government agencies and its facilities within the jurisdiction of the municipality of Looc, Romblon.

SECTION III. 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 guardians and their children are educated and well - informed about positive parenting, specifically, guiding their children on the use and the adoption of internet or online-offline safety behaviors:
- c) Persons in government offices and other public and private institutions are educated on OSAEC as it evolves and how to respond to technology-based trafficking in persons and are capacitated to respond according to their mandates;
- d) Online businesses and other allied services/enterprises, such as, but not limited to data providers, money transfers, IT equipment providers and internet installers are compliant to existing laws and its provisions in ensuring online safety.

SECTION IV. 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)n years old (unless otherwise revise by the law) or over but unable to fully take care of himself/herself from abuse, neglect, cruelty, exploitation, discrimination, regardless of physical or mental disability or condition. This is without regard to the gender, race, ethnicity, citizenship, status, religion, creed, sexual orientation, gender identity and/or expression.
- 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 including sexual stimulation or for the purpose of sexual gratification or in pursuit of desire to have carnal knowledge of the child, regardless 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 act :
 - Child sexual abuse with consideration;
 - Actual sexual intercourse with a child or children with or without consideration;
 - Employing fraud, machination, undue influence, intimidation, threat or deception by any person to commit sexual intercourse with a child or children;
 - Any other acts similar or analogous to the forgoing that is prejudicial to the development of the child;
- d) **Child Sexual Abuse or Exploitation Material (CSAEM) or Child Sexual Abuse Material ((CSAM)** - refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means related and/or similar from the foregoing, of a child engaged 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 the child.

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

SECTION V. *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, profiling, producing and/or distributing images and/or videos of child sexual abuse.
- b) *Grooming of Children for Sexual Purposes* - developing a relationship with a child to enable their sexual abuse and/or exploitation, either online or offline.
- c) *Live - Streaming Sexual Abuse of Children* - using online video applications to view, and sometimes interact with 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; and
- e) Other unlawful or prohibited acts under the Republic Act No. 11862 or the "Expanded Anti-Trafficking I Persons Act of 2002" and Republic Act No. 11930 or the "Anti Online Abuse and Exploitation of Children and Anti - Sexual Abuse or Exploitation Materials".

SECTION VI. *Responsibility of Operators and Owners or Lessors of Business Establishments* -All operators and owners or lessors of the other business establishments shall notify the Looc Municipal Police Station within 48 hours from obtaining facts and circumstances that child sexual abuse or exploitation is being committed in their premises. Any wilful and intentional violation of this ordinance shall be subject to the penalty provided under XVI.

SECTION VIII. *Authority to Regulate Internet Café or Kiosk* - The Local Government of Looc, Romblon shall have an authority to monitor and regulate the operation of the internet café or kiosk and other similar establishment to prevent violation of the provisions of this Ordinance.

SECTION IX. *Mandatory Services to Victims of Child Sexual Abuse or Exploitation* - The Municipal Social Welfare and Development Office hall ensure that the child who is a victim of any form of child sexual abuse and exploitation is provided appropriate care, custody and support for his/her recovery and reintegration in accordance with existing laws.

SECTION X. Council and Composition – the following are the Municipal Inter Agency Task Force against Online Sexual abuse and Exploitation of Children.

Women and Children Protection Desk Officer - *Chairman*
Municipal Social Welfare and Development Officer - *Vice Chairman*

Members:

Municipal Health Officer
Representative from the School's Division Office
Representative from Legal Office
Representative from Parents-Teacher Association
Representative from CSO
President of Liga ng Barangay
Representative from Church or Inter-Faith Communities
Gender and Development Focal Person
Sangguniang Kabataan Federation President
Chairman on Committee on Child, Women and Family

SECTION XI. 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 OSEAC;
- c) Ensure that the Information Education Campaign advocacies shall be implemented;
- d) Institute policies and programs to prevent the incidence of the online sexual abuse and exploitation on the children;
- e) Recommend the services for the prevention, rescue, recovery, rehabilitation and reintegration support to victims of OSAEC;
- f) Recommend the cancellation of licenses of establishment which violate the provisions of this Ordinance and ensure its effective prosecution;
- g) Maintain strict confidentiality on the identity and records of the victim children;
- h) Monitor and oversee the strict implementation of this ordinance and its related laws for protection of the children
- i) Strengthen, activate and mobilize committees, organizations, and special bodies in the barangay level to prevent and suppress OSAEC; and
- j) Recommend the utilization of funds appropriated under this ordinance to the Office of Municipal Budget.

SECTION XII. Secretariat - the Secretariat of the Municipal Inter Agency Task force against Online Sexual abuse and Exploitation of Children will be the Gender and Development Focal Person and the Municipal Social welfare and Development Officer and responsible for the following:

- a) Assist in the capacity development and provide technical assistance to the agency, and as needed, to other office;
- b) 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;
- c) Receive communication, concerns and complaints and coordinate with the council members or pertinent local agencies to address the same; and
- d) Consolidate and submit regular reports to the council in relation to its functions.

SECTION XIII. *Programs for Victims of Child Sexual Abuse or Exploitation* - The Council shall develop and implement comprehensive program that will prevent any form of 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;

SECTION XIV. *Trainings* - Regular trainings and seminars shall be held to enable the members of the council to function efficiently. Similar trainings shall also be provided to the following officials and volunteers for the purpose of equipping them with the necessary knowledge and skills to prevent and suppress OSAEC in their area of jurisdiction or to assist in the monitoring, investigation and prosecution of cases of OSAEC:

- a) Law Enforcement Officials;
- b) Social Workers;
- c) Teachers and Parents;
- d) Barangay -based volunteer groups such as women and youth groups;
- e) Parent - Teacher (PTA)
- f) Other stakeholders

SECTION XV. *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 XVI. *Penalties* - the following penalties for violations of any provisions of this Ordinance are hereby imposed as follows:

- 1st Offense - a fine of One Thousand Five Hundred Pesos (Php 1,500.00)
- 2nd Offense - a fine of Two Thousand Pesos (Php 2,500.00)
- 3rd Offense - a fine of Two Thousand Five Hundred Pesos (Php 2,500.00) and imprisonment upon discretion of the court.

Business establishments found to have violated any provisions of this Ordinance shall be subjected to suspension for 1st and 2nd offense and revocation of business permit 3rd Offense.

SECTION XVII- *Separability Clause* - If, for any reason any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION XIX - *Repealing Clause* - All any ordinances, rules and regulation found inconsistent with any provision of this Ordinance are hereby repealed and amended accordingly.

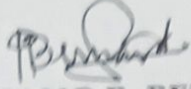
SECTION XX - *Effectivity Clause* - This ordinance shall take effect after review and approval by the Sangguniang Panlalawigan and posted in three conspicuous places of the municipality.

Approved: 16 August 2024/ 103rd Regular Session.

CERTIFIED to the correctness of the aforesaid Ordinance.

ENGR. REYAM A. REYES
Secretary to the Sanggunian

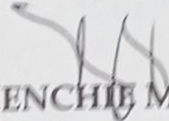
ATTESTED:


HON. PERIANO R. BERNARDO
Acting Municipal Vice Mayor &
Presiding Officer

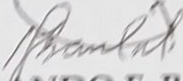
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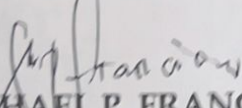
(On Official Travel)
HON. JONATHAN T. GAYTANO
SB Member

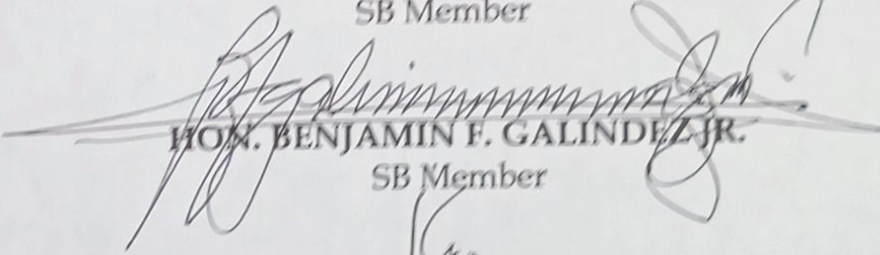
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HON. MENCHIE M. GARACHICO
SB Member/ Sponsor

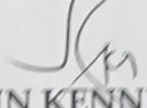
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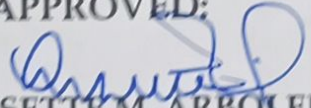

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SB Member


HON. BENJAMIN F. GALINDEZ JR.
SB Member


HON. JOSEFINA G. MORTEL
LnB President


HON. JOHN KENNETH S. GARCIA
SK Federation President

APPROVED:


ATTY. LISETTE M. ARBOLEDA
Municipal Mayor

Date Approved: AUG 19 2024