

KALI

Vol. X No.2

*Voices of
Cordillera
Women*

June 2025



Updated Handbook on Philippine Legislation for Women and Children

KALI is a publication of the Cordillera Women's Education, Action Research Center (CWEARC) Inc., a non-stock, non-profit development institution providing support to grassroots indigenous women in the Cordillera. Feedback on publication content and orders can be sent by post to PO Box 1776 Baguio 2600 Philippines or by email at cwearc@cwearc.org

KALI is an indigenous term among the Bontok and Kankanaey indigenous peoples of the Cordillera, Philippines. It means to speak, to talk, to discuss or discourse. It also means to speak the dialect or language of the people.

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Published by:



With support from:



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Updated Handbook on Philippine Legislation for Women and Children

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Editorial

CWEARC first published the handbook on women's laws in 2006. Since then, new laws for the protection of women and children in the Philippines were passed in Congress and enacted. We owe it to the vibrant women's movement in the Philippines that these laws were enacted, and we also owe it to our champions in Congress for making sure that the house bills were fought for, until these were eventually passed. Specifically, we acknowledge and laud the Gabriela Women's Party (GWP) for being the voice of women in the House of Representatives since 2004. GWP authored and supported landmark laws for women and children's right such as the Anti-Trafficking in Persons Act of 2003, Anti-Violence Against Women and Their Children Act of 2004, Magna Carta of Women (RA 9710), Expanded Maternity Leave Law (RA 11210), Expanded Solo Parents Welfare Law (RA 11861), Occupational Safety and Health Standards Law (RA 11058), Safe Spaces Act (RA 11313) and the Anti-Child Pornography Act (RA 9775).

In our engagement with communities, education on violence against women and the laws for the protection of women and children remain vital and relevant. The conversations and discussions we had with the women and their communities demonstrated the continuing need to facilitate empowerment on women's rights, particularly laws for women. Similarly, we encountered persistent challenges, such as prevailing norms on VAW and rape. It is therefore of utmost significance that knowledge of the laws for women and children, as well as the services and remedies available to them, be urgently disseminated. At the same time, it is important to strengthen the existing laws -- it is in this regard that we are including in this handbook highly relevant policy recommendations by distinguished bodies on women's rights such as the Center for Women's Rights (CWR), Philippine Commission on Women (PCW),

UN Women, the International Development Law Organization (IDLO) and of course, GWP.

This handbook is intended for women's organizations wherever, local government units especially at the barangay level, educators and advocates who tirelessly fight for women's rights, particularly working for women's access to justice and eliminating barriers to accessing justice.

IEC and knowledge sharing will continue to be our priorities in facilitating women's empowerment.

We are grateful to the International Work Group on Indigenous Affairs (IWGIA) for making this project possible.



It is therefore of utmost significance that knowledge of the laws for women and children, as well as the services and remedies available to them, be urgently disseminated.



Part I
**Laws on Women
and Children**

from 14th to 18th Congress

Safe Spaces Act

RA No. 11313

Enacted on April 17, 2019, to combat gender-based sexual harassment in various settings. The law expands the scope of prohibited acts, establishes clear penalties, and outlines responsibilities for employers, educational institutions, and local government units.

KEY PROVISIONS

- **Expanded Definition of Harassment:** The Act broadens the concept of sexual harassment to include acts such as catcalling, wolf-whistling, unwanted sexual remarks, public masturbation, groping, stalking, and online harassment.
- **Penalties:** Penalties for offenders vary based on the severity of the act. For instance, minor offenses may result in fines and community service, while more severe acts can lead to imprisonment and higher fines.
- **Employer and Educational Institution Responsibilities:** Employers and school heads are mandated to implement anti-harassment policies, conduct gender sensitivity seminars, establish independent committees to investigate complaints, and ensure confidentiality and protection for complainants. Failure to comply may result in fines.
- **Local Government Units (LGUs):** LGUs are required to pass ordinances localizing the applicability of the Safe Spaces Act, conduct safety audits, and establish Anti-Sexual Harassment Desks in barangays and city halls.
- **Online Platforms:** The Act addresses online sexual harassment, including cyberstalking and the non-consensual sharing of explicit content. Offenders may face imprisonment and fines.



**Seventeenth Congress
Third Regular Session**

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

REPUBLIC ACT No. 11313

An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor

Be it enacted by the Senate and House of Representatives of the Philippine Congress assembled:

Section 1. Short Title. – This Act shall be known as the "Safe Spaces Act".

Section 2. Declaration of Policies. – It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions.

Section 3. Definition of Terms. – As used in this Act:

- (a) *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- (b) *Employee* refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: *Provided*, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;
- (c) *Employer* refers to a person who exercises control over an employee: *Provided*, That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;
- (d) *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;
- (e) *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;
- (f) *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex in which case this person is considered transgender;
- (g) *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and
- (h) *Stalking* refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

**ARTICLE I
GENDER-BASED STREETS AND PUBLIC SPACES
SEXUAL HARASSMENT**

Section 4. Gender-Based Streets and Public Spaces Sexual Harassment. – The crimes of gender-based streets and

public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

Section 5. Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public. -Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender-based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in *flagrante delicto* and are required to immediately coordinate with local authorities.

Section 6. Gender-Based Sexual Harassment in Public Utility Vehicles. -In addition to the penalties in this Act, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarity liable for the offenses of the employee.

Section 7. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors. -In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006".

Section 8. Duties of Local Government Units (LGUs). -local government units (LGUs) shall bear primary responsibility in enforcing the provisions under Article I of this Act. LGUs shall have the following duties:

- (a) Pass an ordinance which shall localize the applicability of this Act within sixty (60) days of its effectivity;
- (b) Disseminate or post in conspicuous places a copy of this Act and the corresponding ordinance;
- (c) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;
- (d) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Act;
- (e) Create an anti-sexual harassment hotline; and
- (f) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act.

Section 9. Role of the DILG. -The DILG shall ensure the full implementation of this Act by:

- (a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of this Act and the corresponding ordinance;

- (b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing this Act; and
- (c) Providing capacity-building and training activities to build the capability of local government officials to implement this Act in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

Section 10. Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces. –The Metro Manila Development Authority (MMDA), the local units of the Philippine National Police (PNP) for other provinces, and the Women and Children's Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce the law: *Provided*, That they have undergone prior Gender Sensitivity Training (GST). The PCW, DILG and Department of Information and Communications Technology (DICT) shall be the national bodies responsible for overseeing the implementation of this Act and formulating policies that will ensure the strict implementation of this Act.

For gender-based streets and public spaces sexual harassment, the MMDA and the local units of the PNP for the provinces shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in *flagrante delicto*. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed. The ASHE unit together with the Women's and Children's Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under this Act for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG shall also ensure that all local government bodies expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangay and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The DILG, the DSWD in coordination with the Department of Health (DOH) and the PCW shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

Section 11. Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces. –The following acts are unlawful and shall be penalized as follows:

(a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, pursuing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety –

- (1) The first offense shall be punished by a fine of One thousand pesos (₱1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;
- (2) The second offense shall be punished by *arresto menor* (6 to 10 days) or a fine of Three thousand pesos (₱3,000.00);
- (3) The third offense shall be punished by *arresto menor* (11 to 30 days) and a fine of Ten thousand pesos (₱10,000.00).

(b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions –

- (1) The first offense shall be punished by a fine of Ten thousand pesos (₱10,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
- (2) The second offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Fifteen thousand pesos (₱15,000.00);
- (3) The third offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (₱20,000.00).

(c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b), when

accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (a) and (b) –

- (1) The first offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Thirty thousand pesos (₱30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
- (2) The second offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (₱50,000.00);
- (3) The third offense shall be punished by *arresto mayor* in its maximum period or a fine of One hundred thousand pesos (₱100,000.00).

ARTICLE II GENDER-BASED ONLINE SEXUAL HARASSMENT

Section 12. Gender-Based Online Sexual Harassment. –Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing, false abuse reports to online platforms to silence victims.

Section 13. Implementing Bodies for Gender-Based Online Sexual Harassment. –For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNPACG) as the National Operational Support Unit of the PNP is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. *Iâuphil* The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

Section 14. Penalties for Gender-Based Online Sexual Harassment. –The penalty of *prision correccional* in its medium period or a fine of not less than One hundred thousand pesos (₱100,000.00) but not more than Five hundred thousand pesos (₱500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: *Provided*, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

ARTICLE III QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT

Section 15. Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment. –The penalty next higher in

degree will be applied in the following cases:

- (a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- (b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- (c) If the offended party is diagnosed with a mental problem tending to impair consent;
- (d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and
- (e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

ARTICLE IV

GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE

Section 16. *Gender-Based Sexual Harassment in the Workplace.* –The crime of gender-based sexual harassment in the workplace includes the following:

- (a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- (b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;
- (c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: *Provided*, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and
- (d) Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

Section 17. *Duties of Employers.* –Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

- (a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the workplace;
- (b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;
- (c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall:
 - (1) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;
 - (2) Designate a woman as its head and not less than half of its members should be women;
 - (3) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;

- (4) Investigate and decide on the complaints within ten (10) days or less upon receipt thereof;
 - (5) Observe due process;
 - (6) Protect the complainant from retaliation; and
 - (7) Guarantee confidentiality to the greatest extent possible;
- (d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:
- (1) Expressly reiterate the prohibition on gender-based sexual harassment;
 - (2) Describe the procedures of the internal mechanism created under Section 17(c) of this Act; and
 - (3) Set administrative penalties.

Section 18. Duties of Employees and Co-Workers. – Employees and co-workers shall have the duty to:

- (a) Refrain from committing acts of gender-based sexual harassment;
- (b) Discourage the conduct of gender-based sexual harassment in the workplace;
- (c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and
- (d) Report acts of gender-based sexual harassment witnessed in the workplace.

Section 19. Liability of Employers. – In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

- (a) Non-implementation of their duties under Section 17 of this Act, as provided in the penal provisions; or
- (b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (₱5,000.00) nor more than Ten thousand pesos (₱10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (₱10,000.00) nor more than Fifteen thousand pesos (₱15,000.00).

Section 20. Routine Inspection. – The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Act.

ARTICLE V

GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL AND TRAINING INSTITUTIONS

Section 21. Gender-Based Sexual Harassment in Educational and Training Institutions. – All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Act, and shall, ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

Section 22. Duties of School Heads. – School heads shall have the following duties:

- (a) Disseminate or post a copy of this Act in a conspicuous place in the educational institution;
- (b) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns;
- (c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:
 - (1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
 - (2) Designate a woman as its head and not less than half of its members should be women;
 - (3) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;
 - (4) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
 - (5) Investigate and decide on complaints within ten (10) days or less upon receipt, thereof;
 - (6) Observe due process;
 - (7) Protect the complainant from retaliation; and
 - (8) Guarantee confidentiality to the greatest extent possible.
- (d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:
 - (1) Expressly reiterate the prohibition on gender-based sexual harassment;
 - (2) Prescribe the procedures of the internal mechanism created under this Act; and
 - (3) Set administrative penalties.

Section 23. Liability of School Heads.– In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

- (a) Non-implementation of their duties under Section 22 of this Act, as provided in the penal provisions; or
- (b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (₱5,000.00) nor more than Ten thousand pesos (₱10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (₱10,000.00) nor more than Fifteen thousand pesos (₱15,000.00).

Section 24. Liability of Students.– Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

Section 25. Routine Inspection.– The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Act.

ARTICLE VI COMMON PROVISIONS

Section 26. Confidentiality.— At any stage of the investigation, prosecution and trial of an offense under this Act, the rights of the victim and the accused who is a minor shall be recognized.

Section 27. Restraining Order.— Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

Section 28. Remedies and Psychological Counselling.— A victim of gender-based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counselling services with the aid of the LGU and the DSWD, in coordination with the DOH and the PCW. Any fees to be charged in the course of a victim's availment of such remedies or psychological counselling services shall be borne by the perpetrator.

Section 29. Administrative Sanctions.— Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

Section 30. Imposition of Heavier Penalties.— Nothing in this Act shall prevent LGUs from coming up with ordinances that impose heavier penalties for the acts specified herein.

Section 31. Exemptions.— Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

ARTICLE VII FINAL PROVISIONS

Section 32. PNP Women and Children's Desks.— The women and children's desks now existing in all police stations shall act on and attend to all complaints covered under this Act. They shall coordinate with ASHE officers on the street, security guards in privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Act.

Section 33. Educational Modules and Awareness Campaigns.— The PCW shall take the lead in a national campaign for the awareness of the law. The PCW shall work hand-in-hand with the DILG and duly accredited women's groups to ensure all LGUs participate in a sustained information campaign and the DICT to ensure an online campaign that reaches a wide audience of Filipino internet-users. Campaign materials may include posters condemning different forms of gender-based sexual harassment, informing the public of penalties for committing gender-based sexual harassment, and infographics of hotline numbers of authorities.

All schools shall educate students from the elementary to tertiary level about the provisions of this Act and how they can report cases of gender-based streets, public spaces and online sexual harassment committed against them. School courses shall include age-appropriate educational modules against gender-based streets, public spaces and online sexual harassment which shall be developed by the DepEd, the CHED, the TESDA and the PCW.

Section 34. Safety Audits.— LGUs are required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Act within their jurisdiction. Such audits shall be multisectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

Section 35. Appropriations.— Such amounts as may be necessary for the implementation of this Act shall be indicated under the annual General Appropriations Act (GAA). National and local government agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of their annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

Section 36. Prescriptive Period.— Any action arising from the violation of any of the provisions of this Act shall prescribe as follows:

- (a) Offenses committed under Section 11(a) of this Act shall prescribe in one (1) year;
- (b) Offenses committed under Section 11(b) of this Act shall prescribe in three (3) years;

(c) Offenses committed under Section 11(c) of this Act shall prescribe in ten (10) years;

(d) Offenses committed under Section 12 of this Act shall be imprescriptible; and

(e) Offenses committed under Sections 16 and 21 of this Act shall prescribe in five (5) years.

Section 37. *Joint Congressional Oversight Committee.*— There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Senate Committee on Women, Children, Family Relations and Gender Equality and the House Committee on Women and Gender Equality.

Section 38. *Implementing Rules and Regulations (IRR).*— Within ninety (90) days from the effectivity of this Act, the PCW as the lead agency, in coordination with the DILG, the DSWD, the PNP, the Commission on Human Rights (CHR), the DOH, the DOLE, the DepEd, the CHED, the DICT, the TESDA, the MMDA, the LTO, and at least three (3) women's organizations active on the issues of gender-based violence, shall formulate the implementing rules and regulations (IRR) of this Act.

Section 39. *Separability Clause.*— If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

Section 40. *Repealing Clause.*— Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 41. *Effectivity.*— This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any two (2) newspapers of general circulation in the Philippines.

Expanded Anti-Trafficking in Persons Act

RA No. 11862

Signed into law on June 23, 2022, amending the 2003 Anti-Trafficking in Persons Act (RA 9208). This legislation strengthens the Philippines' legal framework to combat human trafficking, particularly in the digital age.

KEY PROVISIONS

- **Expanded Definition of Trafficking:** The law broadens the scope of trafficking to include illegal adoptions, child laundering, and online sexual abuse and exploitation of children.
- **Accountability of Internet Intermediaries:** Internet service providers, social media platforms, and financial institutions are held accountable if they knowingly or negligently allow their services to be used for trafficking activities.
- **Enhanced Investigation Protocols:** Law enforcement agencies are mandated to initiate investigations within 10 days upon receiving reports or affidavits related to trafficking offenses.
- **Surveillance and Interception:** Authorities may conduct electronic surveillance with a written order from the Regional Trial Court, or without one if the victim is a child and the offense involves digital platforms.
- **Aggravating Circumstances:** Heavier penalties are imposed if trafficking occurs during crises, public health emergencies, or when the victim is a survivor of such situations.
- **Victim Support and Reintegration:** The law mandates the provision of psychosocial counseling, medical services, legal assistance, and reintegration programs for victims.



Eighteenth Congress
Third Regular Session

[**REPUBLIC ACT NO. 11862, June 23, 2022**]

AN ACT STRENGTHENING THE POLICIES ON ANTI-TRAFFICKING IN PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9208, AS AMENDED, OTHERWISE KNOWN AS THE “ANTI-TRAFFICKING IN PERSONS ACT OF 2003”, AND OTHER SPECIAL LAWS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Section 1 of Republic Act No. 9208, as amended, is hereby amended to read as follows:

“**Section 1. Short Title.** – This Act shall be known as the ‘Expanded Anti-Trafficking in Persons Act of 2022.’”

Section 2. Section 2 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

“**Section 2. Declaration of Policy.** – It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation, and reintegration into the mainstream of society in a manner that is culturally-responsive, gender- and age-appropriate, and disability-inclusive.

It shall be a State policy to recognize the equal and inalienable rights and inherent human dignity of all members of the human family, as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Elimination of All Forms of Discrimination Against Women, United Nations Convention on the Rights of the Child and its optional protocols to which the Philippines is a party, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, International Labor Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, the UN Global Compact for Safe, Orderly and Regular Migration, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a party. In all actions concerning children, their best interests shall be the paramount consideration.”

Section 3. Section 3 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

“**Section 3. Definition of Terms.** – As used in this Act:

(a) Trafficking in Persons – refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, 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 which includes at a minimum, the exploitation or the prostitution of others, or the engagement of others for the production or distribution, or both, of materials that depict child sexual abuse or exploitation, or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal or sale of organs.

The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes, shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.

x x x

(h) Sexual Exploitation – refers to any means of actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes or lewd designs, including profiting monetarily, socially, or politically from the sexual exploitation of another, regardless of whether or not consent was given.

x x x

(j) Pornography - refers to any representation through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person primarily for sexual purposes: *Provided*, That when a child is involved, the material shall be considered child sexual abuse and exploitation material as defined under paragraph (m) of this section.

x x x

(l) Child Laundering - refers to an act of stealing and selling a child to adopting parents under false pretenses and using schemes such as falsifying the child's details or manipulating the child's origins to make the child appear an orphan or foundling.

(m) Child Sexual Abuse and Exploitation Material or Child Sexual Abuse Material (CSAEM or CSAM) - refers to photos, images, videos, recordings, streams, or any other representation or form of media, depicting acts of sexual abuse and exploitation of a child or representation of a child as a sexual object, whether or not generated digitally or by, through, and with the use of information and communications technology. It shall also include materials that focus on real or simulated genitalia or other private body parts of a child.

(n) Communications - refer to any spoken or written conversations, exchanges, discussions, data, information, or messages for interception.

(o) Computer System - refers to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated processing of data. It covers any type of device with data processing capabilities including computers and mobile phones. The device consisting of hardware and software may include input, output process, and storage components which may stand alone or be connected in a network or other similar devices. It also includes computer data storage devices or media.

(p) Computer and Other Computer-Related Devices - refer to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated processing of data. It covers any type of device with data processing capabilities, including computers and mobile phones.

(q) Data - refers to both:

(1) Content Data - the substance, meaning or purport of the communication, or the message or information being conveyed by the communication, other than traffic data; and

(2) Traffic Data or Non-Content Data - any computer data other than the content of the communication, including the communication's origin, destination, route, time, date, size, duration, or type of underlying service.

(r) Information and Communications Technology (ICT) - refers to the totality of electronic means to access, create, collect, store, process, receive, transmit, present, and disseminate information.

(s) Interception - refers to the act of listening to, recording, monitoring, or surveillance of the content of communications, including procuring of the content data, either directly, through access and use of a computer system, or through the use of electronic eavesdropping or tapping devices, at the same time that the communication is occurring.

(t) Internet Intermediaries - refer to a natural or juridical person, or entity that provides infrastructure, platforms, access to host, transmit and index content, products and services originated by third parties on the internet. It includes among others:

(1) Internet Service Providers (ISPs);

(2) Data processing and web hosting providers including domain name registrars;

(3) Internet search engines and portals;

(4) E-commerce intermediaries;

(5) Internet payment system providers, whether supervised by the Bangko Sentral ng Pilipinas (BSP) or not; and

(6) Participative network platform providers or social media intermediaries.

(u) Subscriber's or Registrant's Information – refers to any information contained in the form of computer data or any other form that is held by internet intermediaries, relating to the subscribers or registrants who avail of services, other than traffic or content data, and by which any of the following can be established:

- (1) The type of communication service used, the technical provisions taken thereto, and the period of service;
- (2) The subscriber's or registrant's identity, postal or geographic address, telephone and other access number, any assigned network address, billing, and payment information that are available on the basis of the service agreement or arrangement; or
- (3) Any other available information on the site of the installation of communication equipment that is available on the basis of the service agreement or arrangement.

(v) Tourism Enterprises – refer to facilities, services, and attractions involved in tourism, such as travel and tour services; health, wellness, and medical tourism services; tourist transport services, whether for land, sea or air transportation; tour guides; adventure sports services involving sports, such as mountaineering, spelunking, scuba diving, and other sports activities of significant tourism potential; convention organizers; accommodation establishments, including hotels, resorts, apartelles, tourist inns, motels, pension houses, and home stay operators; and tourism estate management services, restaurants, shops and department stores, sports and recreational centers, spas, museums and galleries, theme parks, convention centers, and zoos.

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

Section 4. Section 4 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

"Section 4. Acts of Trafficking in Persons. – It shall be unlawful for any person, natural or juridical, to commit by means of a threat, or use of force, or other forms of coercion, or through abduction, fraud, deception, abuse of power or of position, or through taking advantage of the vulnerability of the person, or by giving or receiving of payment or benefit to obtain the consent of a person having control over another person, any of the following acts:

- (a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual abuse or exploitation, production, creation, or distribution of CSAEM or CSAM, forced labor, slavery, involuntary servitude, or debt bondage;
- (b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 10906 or the Anti-Mail Order Spouse Act, any Filipino to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- x x x
- (g) To adopt or facilitate the adoption of persons with or without consideration for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage, or to facilitate illegal child adoptions or child-laundering, or for other exploitative purposes;
- (h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive, or abduct a person, for the purpose of removal or sale of organs of said person;
- (i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive, or adopt a child to engage in armed activities or participate in activities in the context of an armed conflict in the Philippines or abroad;
- (j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide, or receive a person by means defined in Section 3 of this Act for purposes of forced labor, slavery, debt bondage and involuntary servi-

tude, including a scheme, plan, or pattern intended to cause the person either:

- (1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or
- (2) To abuse or threaten the use of law or the legal processes;

(k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt, or receive a child for purposes of exploitation or trading them, including the act of buying or selling a child, or both for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:

- (1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage, and forced labor, including recruitment of children for use in armed conflict;
- (2) The use, procuring or offering of a child for prostitution, for the production of CSAEM or CSAM, or for pornographic performances;
- (3) The use, procuring or offering of a child for the production and trafficking of drugs; and
- (4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals;

(l) To organize, provide financial support, or direct other persons to commit the offenses defined as acts of trafficking under this Act; and

(m) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive, or adopt a child for deployment abroad as migrant worker.

Provided, That when the victim is a child, the means to commit these unlawful acts as enumerated in the first paragraph of this section shall not be necessary: *Provided, further*, That in the case of overseas domestic work, a 'child' means a person below twenty-four (24) years old."

Section 5.Section 5 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

"Section 5. Acts that Promote Trafficking in Persons. – The following acts which promote or facilitate trafficking in persons shall be unlawful:

(a) To knowingly lease or sublease, use, or allow to be used any house, building, tourism enterprise, or any similar establishment; or any vehicle or carrier by land, sea, and air; or any of their computer system or computer hardware, other computer-related devices, or any of their digital platform and application, for the purpose of promoting trafficking in persons;

(b) To produce, print and issue, or distribute unissued, tampered, or fake passports, birth certificates, affidavits of delayed registration of births, foundling certificates, travel clearances, counseling certificates, registration stickers, overseas employment certificates or other certificates of any government agency which issues these certificates, decals, and such other markers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

(c) x x x;

(d) x x x;

(e) To facilitate, assist, or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports, knowing they are not in possession of required travel documents, or are in possession of tampered, fake, or fraudulently acquired travel documents, for the purpose of promoting trafficking in persons;

(f) x x x;

(g) x x x;

(h) x x x;

(i) x x x;

(j) x x x;

(k) For internet intermediaries to knowingly or by gross negligence allow their internet infrastructure to be used for the purpose of promoting trafficking in persons;

(l) For internet cafes, kiosks, and hotspots, including establishments offering Wi-Fi access services to the public, to knowingly or by gross negligence allow their facilities to be used for the purpose of promoting trafficking in persons;

(m) For financial intermediaries, including banks and credit card companies and money transfer or remittance centers, to knowingly or by gross negligence allow their services, online platform and applications, among others, to be used for the purpose of promoting trafficking in persons;

(n) To knowingly or by gross negligence facilitate, assist, or help in the entry into the country of persons who are convicted sex offenders whether at international and local airports, territorial boundaries, and seaports for the purpose of promoting trafficking in persons; or

(o) To arrange, facilitate, expedite, or cause the introduction or encounter of persons who are suspected or convicted sex offenders in any jurisdiction, to a child. The actual introduction or encounter need not occur to be liable under this provision. It is enough that there is a deliberate attempt to cause the introduction or encounter."

Section 6. Section 6 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

"Section 6. Qualified Trafficking in Persons. – Violations of Section 4 of this Act shall be considered as qualified trafficking:

(a) When the trafficked person is a child: *Provided*, That acts of online sexual abuse and exploitation of children shall be without prejudice to appropriate investigation and prosecution under other related laws;

x x x

(h) When the offender, commits one or more acts of trafficking under Section 4 over a period of at least sixty (60) days, whether those days are continuous or not;

(i) When the offender, or through another, directs or manages the actions of a victim in carrying out the exploitative purpose of trafficking;

(j) When the crime is committed during a crisis, disaster, public health concern, pandemic, a humanitarian conflict, or emergency situation, or when the trafficked person is a survivor of a disaster or a human-induced conflict;

(k) When the trafficked person belongs to an indigenous community or religious minority and is considered a member of the same;

(l) When the trafficked person is a person with disability (PWD);

(m) When the crime has resulted in pregnancy;

(n) When the trafficked person suffered mental or emotional disorder as a result of being victim of trafficking; or

(o) When the act is committed by or through the use of ICT or any computer system."

Section 7. Section 8 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

"Section 8. Investigation and Prosecution of Cases. –

(a) Initiation of Investigation. – Law enforcement agencies (LEAs) are mandated to immediately initiate investigation and countertrafficking-intelligence gathering motu proprio or within ten (10) days upon receipt of statements, reports, or affidavit from victims of trafficking, migrant workers, or their families, internet intermediaries, and other persons who have personal knowledge or information about possible violations of this Act including the private sector, and for this purpose shall closely coordinate with one

another. They shall initiate bilateral or multi-lateral agreements with other States to allow foreign internet intermediaries to share with local authorities possible investigation data necessary for the prosecution of cases: *Provided*, That in all instances the right to privacy of the victims and their families must be respected and protected;

(b) **Interception of Communications.** – A law enforcement officer (LEO) may, upon a written order from the Regional Trial Court, track, intercept, view, monitor, surveil, listen to, and record involving at least one person charged with, or suspected, or reasonably believed to have committed violations under this Act, with the use of any mode, form, kind, or type of electronic or intercepting devices, any communications, information or messages, including procurement of content data transmitted by means of a computer system, or with the use of any other suitable ways and means for that purpose: *Provided*, That when the victim is a child and the offense involves the use of computer systems and digital platforms, a court order shall not be required in order for a LEO acting in an undercover capacity to intercept communication with a person reasonably believed to have committed, is committing, or about to commit any of the violations described under this Act: *Provided, further*, That notwithstanding the procedure in this provision, a LEO shall not be precluded from obtaining a warrant to intercept computer data under the rule on cybercrime warrants.

The order shall only be issued or granted upon ex parte written application of a LEO, who shall be examined under oath or affirmation to establish the following facts or circumstances:

- (1) That there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed, or is being committed, or is about to be committed;
- (2) That there are reasonable grounds to believe that evidence that will be obtained is essential to the conviction of any person for, or to the solution of, or to the prevention of, any such crimes; and
- (3) That there are no other means readily available for obtaining such evidence.

The order shall only be effective for the length of time as determined by the court, which shall not exceed a period of thirty (30) days from its issuance. The court issuing the order may, upon motion, extend its effectivity based only on justifiable reasons or that it is necessary in furtherance of the investigation or to serve the public interest, for a period not exceeding thirty (30) days after the expiration of the original period.

In case the original applicant is not available to file the application for extension or renewal, any other member of the team duly authorized by their superior officer may instead file the application for extension or renewal: *Provided*, That the LEO shall have thirty (30) days after the termination of the period granted by the authorizing court as provided in the preceding paragraphs within which to file the appropriate case before the Public Prosecutors Office of the Department of Justice (DOJ) for any violation of this Act.

If no case is filed within the thirty (30)-day period, the LEO shall, within thirty (30) days after the expiration of the order, notify the authorizing court that no case has been filed. Failure to notify the authorizing court within the required period shall be penalized under Section 10(g) of this Act.

In investigating violations of this Act involving the use of the internet and other digital platforms, LEOs acting in an undercover capacity who record their communications with a person or persons reasonably believed to have committed, is committing, or is about to commit any of the violations under this Act, shall not be considered as wiretapping or illegal interception, and shall not be liable under the provisions of Republic Act No. 4200 or 'The Anti-Wiretapping Law': *Provided*, That victims of trafficking in persons, of whatever age, shall not be liable under the provisions of Republic Act No. 4200 and Republic Act No. 10175 or the 'Cybercrime Prevention Act of 2012,' if they record, transmit, or perform any other acts directly or indirectly related to the reporting of any violation of this Act committed against them;

(c) **Classification and Content of the Order of the Authorizing Court.** – The written order of the court authorizing the conduct of interception shall specify the following:

- (1) The identity, such as name and address, if known, of the charged or suspected person whose communications, are to be intercepted;
- (2) In the case of communications made through the use of information and communications technology, the particular description of the number or account of the subscriber or registrant to be intercepted and their locations, if known;

- (3) If the person suspected of the crime is not fully known, such person shall be subject to continuous surveillance provided there is a reasonable ground to do so;
- (4) The identities of the intercepting LEOs, or the identities of individuals or juridical persons who will assist the LEA in carrying out said interception;
- (5) The offense or offenses committed or being committed, or sought to be prevented; and
- (6) The length of time within which the authorization shall be used or carried out;

(d) Custody of Intercepted Communications. – All tapes, discs, and recordings made pursuant to this section, including all excerpts and summaries thereof as well as all written notes or memoranda made in connection therewith, shall, within forty-eight (48) hours after the expiration of the period fixed in the written order, or within forty-eight (48) hours after the expiration of any extension or renewal, be submitted to the authorizing court or its appointed custodian. It shall be contained in a sealed envelope or package, as the case may be, and shall be accompanied by a joint affidavit of the LEO and the team members. In case of death or physical incapacity of the applicant to execute the required affidavit, the team member who is next in rank to the applicant named in the written order shall, together with the other team members execute the required affidavit. The LEA may, with proper court authorization, copy computer data that shall be utilized for case build-up or preliminary investigation purposes.

The copy of the computer data may be retained by the LEAs while the digital devices examined and the result of the digital forensic examination shall be deposited with the court that issued the court warrant, or in case where a criminal case is already filed in court, the court hearing the criminal case.

It shall be unlawful for any person, LEO, or any custodian to make a copy of the materials in their custody, such as tapes, discs, video footages and other recordings, or excerpts and summaries thereof including written notes and memoranda made in connection therewith, without court authorization, or to remove, delete, expunge, incinerate, shred, or destroy in any manner the items enumerated above in whole or in part under any pretext whatsoever;

- (e) Contents of Joint Affidavit. – The joint affidavit of the LEO and the individual team members shall state:
- (1) The number of tapes, discs, and recordings that have been made, as well as the number of excerpts and summaries thereof, and the number of written notes and memoranda, if any, made in connection therewith;
 - (2) The dates and times covered by each of such tapes, discs, and recordings;
 - (3) The number of tapes, discs, and recordings, as well as the number of excerpts and summaries thereof and the number of written notes and memoranda made in connection therewith that have been included in the deposit; and
 - (4) The date of the original written authorization granted by the DOJ to the applicant to file the ex parte application to conduct the interception, as well as the date of any extension or renewal of the original written authority granted by the authorizing court.

The joint affidavit shall also certify under oath that no unauthorized duplicates or copies of the whole or any part of any of such tapes, discs, and recordings, excerpts, summaries, written notes, and memoranda, have been made, or if made, that all such duplicates and copies are included in the sealed envelope or package, as the case may be, deposited with the authorizing division of the authorizing court;

(f) Disposition of Deposited Material. – The sealed envelope or package and the contents thereof, which are deposited with the authorizing court, deemed and are hereby declared classified information, shall not be opened. Its contents, including the tapes, discs, recordings, all the excerpts and summaries thereof, and the notes and memoranda made in connection therewith, shall not be divulged, revealed, read, replayed, or used as evidence unless authorized by written order of the authorizing court. For this purpose, the DOJ shall file a written application to open the sealed envelope or package before the authorizing court, with proper written notice to the person whose communications have been the subject of interception to open, reveal, divulge, and use the contents of the sealed envelope or package as evidence.

The written application with notice to the party concerned to open the deposited sealed envelope or package shall clearly state the purpose or reason:

- (1) For opening the sealed envelope or package;
- (2) For revealing or disclosing its classified contents;
- (3) For replaying, divulging, or reading intercepted communications, including any of the excerpts and summaries thereof and any of the notes or memoranda made in connection therewith; and
- (4) For using as evidence any of the intercepted communications, including any of the excerpts and summaries thereof and any of the notes or memoranda made in connection therewith;

(g) Evidentiary Value of Deposited Materials. – Intercepted communications, or any part or parts thereof, or any information or fact contained therein, including their existence, content, substance, purport, effect, or meaning, which have been secured in violation of the pertinent provisions of this Act, shall absolutely not be admissible and usable as evidence against any person in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing;

(h) Prosecution. – Offenses punishable under this Act are public crimes. Any person who has personal knowledge of the commission of any offense under this Act, such as the trafficked person, the parents, spouse, siblings, children, legal guardian, officer or social worker or representative of a licensed child-caring institution, officer or social worker of the Department of Social Welfare and Development (DSWD), Philippine National Police (PNP) or National Bureau of Investigation (NBI) officers, barangay chairperson, or at least three (3) concerned citizens where the violation occurred, may file a complaint under this Act;

(i) Venue. – A criminal action arising from a violation of this Act shall be filed where the offense was committed, or where any of its elements occurred, or where the trafficked person actually resides at the time of the commission of the offense: *Provided*, That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts. Cases involving trafficking in persons shall be heard in the chamber of the Regional Trial Court duly designated as family courts;

(j) Affidavit of Desistance. – Cases involving trafficking in persons should not be dismissed based on the Affidavit of Desistance executed by the victims or their parents or legal guardians. Public and private prosecutors are directed to oppose and manifest objections to motions for dismissal. Any attempt to unduly pressure the complainant to execute an Affidavit of Desistance shall be punishable under this Act;

(k) Immediate Protection of Trafficking Victims. – Where warranted, trafficking victims shall immediately be placed under the protective custody of the DSWD, pursuant to Republic Act No. 7610, otherwise known as the 'Special Protection of Children Against Abuse, Exploitation and Discrimination Act.' In the regular performance of this function, the DSWD shall be free from any administrative, civil, or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603 or 'The Child and Youth Welfare Code.'

Victims of trafficking of all ages shall be entitled to immediate temporary protective shelter from the DSWD: *Provided*, That if the trafficked person is overseas, it shall be the relevant embassy or consulate that shall provide the same.

Victims of trafficking and their family members shall be entitled to protection as well as preferential entitlement to the rights and benefits of witnesses under Republic Act No. 6981, otherwise known as the 'Witness Protection, Security and Benefit Act': *Provided*, That they possess all the qualifications and none of the disqualifications under the said law.

A victim of trafficking shall also be considered as a victim of a violent crime as defined under Section 3(d) of Republic Act No. 7309, entitled '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 for Other Purposes,' so that the victim may claim compensation therein;

(l) Confidentiality. – All records and proceedings under this law, from the initial contact until the final disposition of the case, shall be considered privileged and confidential. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or

the participants in the proceedings for any purpose whatsoever where the testimony of the child shall be taken in accordance with A.M. No. 004-07-SC or the Rule on Examination of a Child Witness.

It shall be unlawful for any editor, publisher, reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting and digital media, and producer and director of the film in case of the movie industry, to cause any publicity that may result in the further suffering of the victim. Any person or agency involved in the reporting, investigation, or trial of cases of gender-based violence shall refrain from any act or statement that may be construed as blaming the victim or placing responsibility for the offense committed against the victim."

Section 8. Section 9 of Republic Act No. 9208 is hereby deleted, and a new Section 9 shall read as follows:

Section 9. Duties and Responsibilities of the Private Sector. -

(a) Duties of Internet Intermediaries. - Internet intermediaries, including internet service providers, internet content hosts, participative network platform providers, financial intermediaries, and electronic money issuers, shall:

(1) Adopt in their terms of service or service agreements with third-party users or creators of contents, products, and services the prohibition of any form of child trafficking, CSAEM or CSAM, or exhibition of any form of sexual exploitation of children in their facilities, infrastructure, server, and platforms;

(2) Cooperate, as far as practicable, with LEAs for the prosecution of offenders and the preservation of evidence, including the provision of subscriber information, traffic data, or both, of any person or subscriber who has committed, is committing, or is attempting to commit any violation of this Act upon formal request of duly authorized law enforcement bodies, with no need of warrant, and in accordance with due process;

(3) Compile and maintain a comprehensive list of child trafficking, CSAEM or CSAM, or any form of sexual exploitation of children-related Uniform Resource Locators (URLs): *Provided*, That the list is updated regularly by partnering with, or obtaining memberships in, organizations and coalitions that maintain a comprehensive list of child abuse image content URL list and image hashes, among others;

(4) Preserve and protect the integrity of all subscriber's or registrant's information and traffic data, in its control and possession, relating to communication services provided by an internet intermediary, within one (1) year from the date of the transaction for the purpose of the investigation and prosecution of all forms of trafficking: *Provided*, That, upon notice by the DOJ, PNP, NBI, or the Department of Information and Communications Technology-Cybercrime Investigation and Coordinating Council (DICT-CICC), the preservation of such relevant evidence shall be extended for another year as may be deemed necessary: *Provided, however*, That the relevant evidence that needs preservation shall be expressly identified and specified;

(5) Immediately block access to, remove, or take down the internet address, URL, website, or any content thereof, containing all forms of trafficking, CSAEM or CSAM, or any form of sexual exploitation of children, within twenty-four (24) hours from notice of the DOJ, PNP, NBI, or the DICT-CICC, or upon knowledge of the existence of an attempt to commit or an actual act of trafficking in persons being committed within their control: *Provided*, That the provision in the preceding paragraph on preservation of subscriber data shall apply and shall be extended as may be deemed necessary by the DOJ, PNP, NBI, or the DICT-CICC;

(6) Report to the DOJ, PNP, NBI, or the DICT-CICC the internet addresses or websites blocked, removed, or taken down, or any form of unusual content or traffic data involving all forms of trafficking, child pornography, or any form of sexual exploitation of children that is being committed using its server or facility within three (3) days of the blocking, removal, or taking down of the same: *Provided*, That in case a foreign internet intermediary is prohibited by its country to share data, the reports filed by such foreign internet intermediary to the corresponding entity tasked by its government to receive cybercrime reports shall be deemed in compliance with this provision: *Provided, however*, That the said foreign internet intermediary shall inform the DOJ, PNP, NBI, or the DICT-CICC of such reporting: *Provided, further*, That whatever relevant data said foreign internet intermediary is not prohibited to share shall nevertheless be reported to the DOJ, PNP, NBI, or the

DICT-CICC: *Provided*, finally, That no internet intermediary shall be held civilly liable for damages on account of any notice given in good faith in compliance with this section; and

(7) Upon request and notwithstanding the provisions of Republic Act No. 10175 or the 'Cybercrime Prevention Act of 2012' and in accordance with Republic Act No. 10173, or the 'Data Privacy Act of 2012,' provide the DOJ, PNP, NBI, or the DICT-CICC the subscriber information of any person who gained or attempted to gain access to an internet site or internet application which contains any form of child trafficking, CSAEM or CSAM, or any form of sexual exploitation of children: *Provided*, That the request must particularly describe the information asked for and indicate the relevancy of such information to such case.

Nothing in this section may be construed to require internet intermediaries to engage in the monitoring of any user, subscriber, or customer, or the content of any communication of any such person.

These duties and obligations shall be without prejudice to other duties and obligations that may be imposed in other laws, particularly when the violations involve online sexual abuse and exploitation of children.

(b) Duties of Owners and Operators of Internet Cafes, Hotspots and Kiosks, Money Transfer and Remittance Centers, Transport Services, Tourism Enterprises, Malls, and Other Business Establishments Open and Catering to the Public. – Owners and operators of internet cafes, hotspots and kiosks, money transfer and remittance centers, transport services, tourism enterprises, malls, and other business establishments open and catering to the public are required to notify the PNP or NBI within forty-eight (48) hours from obtaining facts and circumstances that violations of this Act are taking place within their premises, or that their facilities and services are being used to commit violations of this Act: *Provided*, That public display of any form of CSAEM or CSAM within their premises is a conclusive presumption of the knowledge of the owners, operators, or lessors of business establishments of the violation of this Act. Establishments shall promote awareness against trafficking in persons through clear and visible signages in both English and the local dialect, with local and national hotlines posted within a conspicuous place in their facilities. Money transfer and remittance centers shall require individuals transacting with them to present valid government identification cards.

(c) Responsibilities of Tourism Enterprises. – All tourism enterprises shall notify the DSWD, DOJ, Department of Labor and Employment (DOLE), PNP, or the NBI within forty-eight (48) hours from obtaining facts and circumstances that trafficking in persons, including child trafficking or sexual exploitation of children, is being committed in their premises: *Provided*, That public display of any form of CSAEM or CSAM within their premises is a conclusive presumption of the knowledge of the owners, operators, or lessors of business establishments of the violation of this Act.

All tourism enterprises shall post a notice containing the contact details of trafficking in persons hotlines, both national and local, in a conspicuous place near the public entrance, inside rest rooms, elevators, parking areas of the establishment, and in other conspicuous locations where similar notices are customarily posted in clear view of the public and employees. They shall likewise engage in anti-trafficking advocacy as part of their corporate responsibility. For this purpose, the Inter-Agency Council Against Trafficking (IACAT) shall develop a model notice that complies with the requirements of this section and make it available for downloading in its internet website, and for posting of local government units (LGUs) and tourism enterprises.

Further, all tourism enterprises shall develop their own anti-trafficking tourism policy, in accordance with guidelines from IACAT and the Department of Tourism. They shall also, in cooperation with the DSWD, IACAT, or a reputable nongovernmental organization (NGO) focused on anti-trafficking in persons, train their employees who are likely to interact or come into contact with victims of trafficking in persons in recognizing the signs of human trafficking and how to report suspected trafficking activity to the appropriate LEA. The IACAT shall, together with the DSWD, develop a training curriculum or program and make the same available for downloading in its internet website.

The preceding responsibilities of tourism enterprises shall be made part of the requirements for accreditation by the local government and for the issuance of the local business permit to operate.

(d) Responsibilities of Financial Intermediaries. – Any financial intermediary or person working for, related to, or who has direct knowledge of any trafficking in persons-related financial activity or transaction

conducted through a financial intermediary, shall have the duty to report any suspected trafficking in persons-related activity or transaction to the concerned LEAs. Likewise, financial intermediaries shall have the duty to report these activities to the Anti-Money Laundering Council (AMLC) in accordance with the suspicious transaction reporting mechanism under Republic Act No. 9160, otherwise known as the 'Anti-Money Laundering Act of 2001,' as amended.

The AMLC shall promulgate the necessary rules and regulations for the implementation of this provision which shall include, among others, the guidelines to determine suspicious activity and indicators that trafficking in persons-related activities are being conducted. The AMLC shall provide the necessary guidelines with regard to this provision within three (3) months from the effectivity of this Act.

Notwithstanding the provisions of Republic Act No. 1405 as amended, Republic Act No. 6426 as amended, Republic Act No. 8791 and other pertinent laws, the LEAs investigating cases of trafficking in persons may inquire into or examine any particular deposit or investment, including related accounts, with any banking institution or non-bank financial institution; or require financial intermediaries, internet payment system providers, and other financial facilitators to provide financial documents and information, upon order of any competent court based on an ex parte application in cases of violations of this Act, when it has been established that there is reasonable ground to believe that the deposit or investments, including related accounts involved, are related to trafficking in persons and violations of this Act.

(e) Hotels, Transient and Residential Houses, Condominiums, Dormitories and Apartments or any Analogous Living Spaces. - All owners, lessors, sub-lessors, operators of hotels, residential homes and dwellings offered for transient use, condominiums, dormitories, apartments, or any analogous living spaces shall notify the PNP or the NBI immediately but not later than forty-eight (48) hours from obtaining facts and circumstances that trafficking activities or OSAEC activities are being committed within their premises: *Provided*, That actual knowledge by the owners, lessors, sub-lessors, operators; or owners, lessors, or sub-lessors of other business establishments is required for prosecution under this Act: *Provided, further*, That the receipt of information that trafficking activity has taken place in the premises also gives rise to the duty to notify the PNP or the NBI.

The duties and obligations of the above entities as stated herein, when requested by law enforcers, prosecutors and other investigative bodies through proper processes and done in good faith, shall not be construed as a violation of Republic Act No. 10173 or the 'Data Privacy Act of 2012' or Republic Act No. 10175 or the 'Cybercrime Prevention Act of 2012'."

Section 9. Section 10 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

"Section 10. Penalties and Sanctions. - The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

x x x

(g) Any person who violates Section 9 hereof shall suffer the penalty of a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00) for the first offense. In case of subsequent offense, the penalty of a fine of not less than Two million pesos (P2,000,000.00) but not more than Ten million pesos (P10,000,000.00) and revocation of franchise and license to operate. Without prejudice to the criminal liability of the person or persons willfully refusing to perform the responsibilities under Section 9 of this Act, juridical persons owning or managing the aforementioned enterprises shall be subsidiarily liable, and their license or permit to operate may be revoked.

Willful and intentional violations of Section 9 of this Act are subject to the penalties in paragraph (f) of this section;

(h) Any person found guilty of violating paragraphs (b), (d), and (g) of Section 8 shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00): *Provided*, That the penalty of not less than six (6) years and one (1) day to twelve (12) years of imprisonment shall be imposed on any person who copies without court authorization, removes, deletes, expunges, incinerates, shreds or destroys the tapes, discs, and recording; and their excerpts and summaries, written notes, or memoranda made in connection with the authorized interception and recording thereof intentionally; or omits or excludes from the joint affidavit any item or portion thereof mentioned therein;

- (i) The license of a recruitment or manning agency which recruited or deployed an underage migrant worker shall be automatically revoked and shall be penalized with a fine of not less than One million pesos (P1,000,000.00) but not more than Three million pesos (P3,000,000.00) per recruited underage migrant worker. All fees pertinent to the processing of papers or documents in the recruitment or deployment of the underage migrant worker shall be refunded by the responsible recruitment or manning agency, without need of notice, to the underage migrant worker or to the latter's parents or guardian. The refund shall be independent of and in addition to the indemnification for the damages sustained by the underage migrant worker. The refund shall be paid within thirty (30) days from the date of the mandatory repatriation;
- (j) Any person who violates Section 5(m) of this Act shall be deemed to have committed unlawful activities and penalized for money laundering as defined in Republic Act No. 9160, otherwise known as the 'Anti-Money Laundering Act of 2001,' as amended;
- (k) Any person who files a complaint against another for violations of this Act and such complaint has been found to be with malice and solely for the purpose of harassing, persecuting or subjecting the latter to unwarranted surveillance or wiretapping, or both, shall suffer the penalty of imprisonment of not more than one (1) year and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- (l) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, or any responsible officer, or any two (2) or more of them, who participated in the commission of the crime or who shall have permitted or knowingly failed to prevent its commission;
- (m) The registration with the Securities and Exchange Commission (SEC) or the Department of Trade and Industry (DTI) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, any place of entertainment, or any of the enumerated entities under Section 9, shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;
- (n) If the offender is a foreigner, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country;
- (o) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government officials or employees shall, upon conviction, be dismissed from the service and be barred permanently to hold public office and their retirement and other benefits shall likewise be forfeited;
- (p) Public or government officials and employees who are found guilty of any violation of this Act shall be punished with dismissal or removal from office after due notice and hearing by the appropriate agency. In addition, such official or employee shall suffer perpetual absolute disqualification to hold public office and forfeiture of all retirement and other benefits; and
- (q) Conviction, by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption."

Section 10. Section 15 of Republic Act No. 9208 is hereby amended to read as follows:

Section 15. Trust Fund. - All fines imposed under this Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 hereof, as well as those collected by the AMLC, shall accrue to a Trust Fund to be administered and managed by the Council to be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but are not limited to, the following:

(a) x x x

x x x."

Section 11. Section 16 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

“Section 16. *Programs that Address Trafficking in Persons.* – The government shall establish and implement preventive, protective, and rehabilitative programs for trafficked persons. For this purpose, the following agencies are hereby mandated to implement the corresponding programs:

(a) Department of Foreign Affairs (DFA) – shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs. It shall provide Filipino victims of trafficking overseas with free legal assistance and counsel to pursue legal action against his or her traffickers, represent his or her interests in any criminal investigation or prosecution, and assist in the application for social benefits and/or regular immigration status as may be allowed or provided for by the host country. The DFA shall repatriate trafficked Filipinos with the consent of the victims and assist in the prosecution of their traffickers.

The DFA shall take necessary measures for the efficient implementation of the Electronic Passporting System to protect the integrity of Philippine passports, visas and other travel documents to reduce the incidence of trafficking through the use of fraudulent identification documents.

In coordination with the DOLE, it shall provide free temporary shelters and other services to Filipino victims of trafficking overseas through the Migrant Workers and other Overseas Filipinos Resource Centers established overseas under Republic Act No. 8042, as amended.

In coordination with the Bureau of Immigration (BI) and the DOJ, the DFA shall:

- (1) Ensure, as far as practicable, that all convicted sex offenders in all jurisdictions, or those listed in the registry of sex offenders in their own countries shall not be allowed entry in the Philippines;
- (2) Develop mechanisms to ensure the timely, coordinated, and effective response to cross-border cases of trafficking;
- (3) Provide immediate protection, repatriation, or both, to Filipino victims of trafficking overseas;
- (4) Recommend measures and undertake joint activities to enhance cooperative efforts and mutual assistance among foreign countries through bilateral or multi-lateral arrangements to promote the registration of trafficking and sex offenders and their notification to persons concerned;
- (5) Adopt measures and policies to protect the rights and needs of victims who are foreign nationals or asylum seekers, refugees, stateless applicants and stateless persons in the Philippines and foreign NGOs caring for and protecting victims; and
- (6) Initiate training programs to capacitate government agents and NGOs in identifying and providing the necessary measures for intervention or assistance to victims of trafficking.

(b) Department of Social Welfare and Development (DSWD) – shall develop gender-responsive and trauma-informed counseling, rehabilitative, and protective programs for trafficked persons; including prevention, rehabilitation, and reintegration programs for children, taking into consideration the unique needs and requirements to enable them to cope with the trauma that they have suffered on account of trafficking. It shall ensure that the national recovery and reintegration database is updated and maintained, and that the national referral system which shall coincide with the local referral system, shall be implemented. It shall maintain a 24-hour call center for crisis calls and technology-based counseling and referral system.

The DSWD must conduct information campaigns in communities and schools, teaching parents and families that receiving consideration in exchange for adoption is punishable under the law. Furthermore, information campaigns shall educate and enjoin parents not to give their children up for adoption in exchange for any consideration.

(c) Department of Labor and Employment (DOLE) – shall ensure the strict implementation and compliance with the rules and guidelines relative to standard labor conditions and the employment of persons locally and overseas across all sectors. It shall likewise monitor, document and report cases of trafficking in persons involving employers and formal and informal labor recruiters across all sectors, provide employment

facilitation and livelihood opportunities to trafficked victims and survivors. It shall assist in the prosecution of employers hiring trafficked foreign nationals. In coordination with the DFA, it shall provide free temporary shelters and other services to Filipino victims of trafficking through the Migrant Workers and Other Overseas Filipinos Resource Center under Republic Act No. 8042. It shall also provide reintegration support to these victims upon their repatriation.

(d) Department of Justice (DOJ) – shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. For this purpose, it shall provide legal and technical advice to the LEAs and facilitate international and mutual legal assistance on the preservation and production of computer data and collection of electronic evidence. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups. The DOJ shall conduct trainings and continuous education programs on investigation and prosecution for trafficking in persons and other related offenses for prosecutors and LEOs; make or process requests for mutual legal assistance or extradition; coordinate with international law enforcement and prosecution authorities for the prosecution of human traffickers with a cross-border element; institutionalize border control mechanisms to enforce the provisions of this Act; and coordinate with and provide assistance to AMLC on cases of trafficking in persons with possible money laundry underpinnings.

(e) Philippine Commission on Women (PCW) – x x x

(f) Bureau of Immigration (BI) – shall strictly administer and enforce immigration and alien administration laws. It shall disallow entry of foreign nationals who have been blacklisted or placed in watchlist status for having committed sex offenses against women and children, or similar activities as trafficking in persons and OSAEC in any jurisdiction. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure, ensure stronger border protection against human trafficking including the regulation of visa upon arrivals, and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement as provided for in this Act.

x x x

(i) Department of the Interior and Local Government (DILG) – shall institute a systematic information and prevention campaign in coordination with pertinent agencies of government as provided for in this Act. In coordination with the IACAT, it shall provide training capacity-building and awareness-raising programs to LGUs, in coordination with their local anti-trafficking in persons committees or council to support the effective implementation of a community-based trafficking education program, and to ensure wide understanding and application of this Act at the local level. Together with the leagues of provinces, cities, and municipalities, it shall also embed in the LGU accreditation and local permit processing of tourism enterprises a protocol that shall emphasize anti-trafficking objectives, the various forms by which trafficking in persons is committed, and the concomitant responsibility of these enterprises to report actual and possible acts of trafficking to the authorities.

It shall mandate LGUs to pass an ordinance to combat trafficking in persons and other forms of exploitation at the local level; and develop and implement a trafficking in persons preventive education program aimed at educating and orienting the public about the crime and how it is perpetrated in current society, and the services available for victims and survivors.

(j) Commission on Filipinos Overseas (CFO) – shall conduct pre-departure counseling services for Filipinos in intermarriages and bi-national couples, including an orientation on human trafficking and other forms of exploitation and reporting mechanisms and services available to the victims and survivors; and maintain a watch list database of foreign nationals with a history of domestic violence, involvement in trafficking in persons, mail-order-bride schemes, child abuse, and sexual abuse. It shall develop a system of accreditation of NGOs that may be mobilized for purposes of conducting pre-departure counseling services for Filipinos in intermarriages and bi-national couples. As such, it shall ensure that the counselors contemplated under this Act shall have the minimum qualifications and training of guidance counselors as provided for by law.

It shall, in coordination with the IACAT, supervise the operation of a 24/7 hotline facility, 1343 Actionline, against human trafficking that responds to emergency or crisis calls from victims of human trafficking, their families, and the general public.

It shall likewise assist in the conduct of information campaigns against trafficking in coordination with LGUs, the Philippine Information Agency (PIA), and NGOs.

(k) Local government units (LGUs) – shall develop and implement programs to prevent trafficking in persons, monitor and document cases of trafficking in persons, and provide support to victims of trafficking in persons including their subsequent rehabilitation and reintegration. To this end, they shall:

- (1) Ensure that the Violence Against Women and Children desks in all barangays are activated and staffed by trained personnel who are able to provide immediate and appropriate support to victims of trafficking in persons;
- (2) Organize and ensure the smooth functioning of a sub-committee on trafficking in persons as an integral part of the local anti-trafficking in persons council that shall recommend policies and programs aimed at ensuring the protection of children against trafficking and grant honoraria to local anti-trafficking in persons committees or council members to ensure total active participation;
- (3) Document and monitor cases of trafficking in persons in their respective areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act, ensure effective prosecution of such cases, and prescribe compliance with this Act as requisite for the issuance and renewal of licenses and permits to establishments within their respective jurisdictions, including internet service providers, internet content hosts, internet cafes and establishments offering Wi-Fi services, tourism enterprises and malls, transportation services, and financial intermediaries;
- (4) Ensure the provision of necessary services to victims of trafficking in persons, such as temporary shelter, board and lodging, transportation, counseling and documentation, among others;
- (5) Coordinate with, refer, and endorse to the DSWD all cases of trafficking in persons;
- (6) Undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces in coordination with the DILG, PIA, CFO, NGOs and other concerned agencies. They shall develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community;
- (7) Encourage and support community-based initiatives which address the trafficking in persons;
- (8) Enact ordinances to localize and strengthen the implementation of this law by providing local services and programs to victims-survivors of trafficking and other exploitative behavior;
- (9) Develop a system for accreditation of NGOs and civil society organizations (CSOs) for purposes of establishing centers and programs for interventions in the community;
- (10) Submit regular reports to the IACAT on trafficking in persons cases and programs undertaken to prevent and address trafficking in persons; and
- (11) Provide livelihood grants to support the economic empowerment of poor households, in order to increase their financial capacities and address household crises which force them to engage in trafficking.

In implementing this Act, the LGUs may seek and enlist the assistance of NGOs, people's organizations (POs), civic organizations and other volunteer groups.

The DILG shall investigate violations of this provision and recommend the appropriate filing of an administrative case against erring public officials to the Ombudsman.

Any act or omission that is violative of this provision, and which is defined and penalized under the Revised Penal Code or any statute, shall be prosecuted and punished under the applicable law.

(l) Department of Health (DOH) – shall make available resources and facilities in providing health care to victims of trafficking, which shall at all times be held confidential. It shall likewise develop a comprehen-

sive program to prevent the trafficking of persons for the removal or sale of organs for implementation by the local health offices, and render assistance in the investigation and prosecution of the same. It shall also undertake and sustain activities to increase public awareness on trafficking in persons for the removal or sale of organs, which may include awareness among medical practitioners, family and patient information and education, public education, and advocacy campaigns. It shall also provide assistance in the investigation and prosecution of traffickers of infants born in health facilities. It shall further render the same assistance in organ trafficking cases.

(m) Department of Information and Communications Technology (DICT) - in coordination with the Cybercrime Investigation and Coordinating Council (CICC), National Privacy Commission (NPC) and National Telecommunications Commission (NTC) shall formulate policies, rules, and regulations to ensure that internet intermediaries will comply with their duties to notify, preserve, and disclose data, as well as install available technology to block or filter any form of child trafficking, child sexual abuse, or CSAEM or CSAM.

It shall likewise extend immediate assistance for the prevention of the commission of cybercrime offenses related to trafficking in persons, particularly online exploitation of children; and assist law enforcement and prosecution agencies in the investigation of trafficking in persons committed through the use of information and communications technology.

(n) Department of Migrant Workers (DMW) - shall provide Filipino victims of labor trafficking overseas with free legal assistance and counsel to pursue legal action against the offenders; represent their interests in any criminal investigation or prosecution; and assist in the application for social benefits and the regularization of their immigration status as may be allowed or provided for by the host country. The DMW shall repatriate trafficked Overseas Filipino Workers (OFWs), especially those whose ages fall below the minimum age requirement for overseas deployment, without delay, with the consent of the victims and assist in the prosecution of their traffickers. All responsible officers in the Foreign Service shall have the duty to advise the DMW through the fastest means of communication available the discovery and other relevant information on said trafficked migrant workers.

(o) Department of Tourism (DOT) - in coordination with the IACAT and other relevant government agencies, shall formulate and implement preventive measures against sex tourism packages and the use of tourism enterprises as situs of human trafficking; develop a comprehensive program, including policies and guidelines, to address and prevent trafficking in persons in the travel and tourism industry and in places of amusement; develop a set of criteria as basis for accreditation of tourism enterprises by its local tourism offices, such as the enactment of a local tourism child protection policy in partnership with an NGO that is involved in preventing sexual exploitation of children in the travel and tourism industry; and ensure that all anti-trafficking in persons safeguards, and relevant national and local labor standards and practices are being followed, adopted and implemented in all tourism enterprises, the travel and tourism industry and in places of amusement.

(p) Department of Education (DepEd) - shall provide measures to prevent trafficking in persons and other exploitative acts such as OSAEC in educational institutions, such as the conduct of information campaigns and the establishment of reporting mechanisms in the school system consistent with its child protection and gender and development programs; and develop a teacher training manual and modules or curriculum for students aimed at raising their awareness on the perils of trafficking in persons and the prevention of trafficking and other exploitative forms of behavior.

In coordination with the IACAT, the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), and civil society actors, the DepEd shall implement a school-based anti-trafficking preventive education program.

(q) Department of Agriculture (DA) and Bureau of Fisheries and Aquatic Resources (BFAR) - shall institute a systematic information and prevention campaign in coordination with the agencies of government as provided for in this Act. It shall provide capacity-building programs to its regional, city, and municipal units, in coordination with the IACAT and other concerned agencies, to ensure wide understanding and application of this Act, including the local agriculture and fisheries sector. They shall encourage and support anti-trafficking initiatives in the national and local levels, and establish a system for receiving complaints and calls of assisting trafficked persons, and facilitating the referral of these complaints to the appropriate agency.

- (r) Department of Transportation (DOTr) – consistent with its mandate to provide viable, efficient, fast, safe, and dependable transportation, shall develop a comprehensive program and awareness campaign to assist all transportation sectors, including Transport Network Vehicle Services (TNVS), and transportation personnel, such as airline flight attendants, airport agents, taxi and bus drivers, TNVS drivers, truckers, train and delivery drivers, and passenger boat crew in identifying victims of trafficking in persons and reporting incidents of trafficking in persons.
- (s) Philippine Coast Guard (PCG) – consistent with its mandate to perform maritime search and rescue, maritime law enforcement, maritime safety, and maritime security, shall undertake regular inspections, surveillance, investigation, and arrest of individuals or persons suspected to be engaged in trafficking at sea. It shall closely coordinate with other LEAs to secure concerted efforts for effective investigation and apprehension of suspected traffickers and shall establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations. It shall provide capacity-building programs to its regional, city, and municipal units, in coordination with other concerned agencies, in ensuring wide understanding and application of this Act at the local level. It shall encourage and support anti-trafficking initiatives from the national to the local levels.
- (t) National Council on Disability Affairs (NCDA) – in coordination with the IACAT, shall develop programs for the prevention of trafficking of PWDs; and provide assistance to PWDs who are victims of trafficking.
- (u) National Commission on Indigenous Peoples (NCIP) – in coordination with the IACAT, shall develop a program for the prevention of trafficking in indigenous persons and in indigenous cultural communities: *Provided*, That trafficking in persons cases are matters that cannot be the subject of settlement in accordance with tribal customs.
- (v) Office of Civil Defense–National Disaster Risk Reduction and Management Council (OCD–NDRRMC) – in coordination with the IACAT, shall develop guidelines for the prevention of trafficking in persons in emergency, disaster, pandemic and crisis situations, as well as mandate the Local Disaster Risk Reduction Management Office (LDRRMO) and Council (LDRRMC) to develop programs to prevent and protect the survivors of disaster or conflict from perpetrators of trafficking in persons.
- (w) Philippine Amusement and Gaming Corporation (PAGCOR) – in coordination with the IACAT and the DOLE, shall develop guidelines to monitor Philippine Off-Shore Gaming Operator establishments to ensure compliance with the provisions of this Act. It shall also monitor gaming and amusement venues to prevent sex trafficking and prosecute violators.
- (x) Philippine Center on Transnational Crime (PCTC) – shall undertake strategic research on the structure and dynamics of trafficking in persons with transnational crime dimension, predict trends and analyze given factors for the formulation of individual and collective strategies for the prevention and detection of trafficking in persons and the apprehension of criminal elements involved; strengthen information exchange on trafficking in persons between and among government agencies, foreign counterparts and international organizations; serve as the focal point in international enforcement coordination on trafficking in persons particularly with the International Criminal Police Organization (INTERPOL) and cooperation with regional and international foreign counterparts; and promote the development of training courses in relation to combating the crime of trafficking in persons.
- (y) Council for the Welfare of Children (CWC) – shall integrate in its development and strategic frameworks issues and concerns affecting trafficking in children and ensure the adoption of such frameworks by the LGUs and other stakeholders; vigorously advocate against trafficking of children; improve data on trafficking in children through integration of critical and relevant indicators into the monitoring system for children; adopt policies and measures that will protect and promote the rights and welfare of children victims of trafficking and coordinate and monitor their implementation; and address issues on trafficking of children through policy and program interventions.
- (z) Philippine Ports Authority (PPA) – consistent with its mandate, shall enhance its security measures and shall undertake regular inspections of the country's ports and harbors; coordinate with other LEAs for effective investigation and apprehension of suspected traffickers; and develop programs to address and prevent trafficking in persons committed within the ports under their jurisdiction."

Section 12. Section 19 of Republic Act No. 9208 is hereby amended as follows:

Section 19. Trafficked Persons Who are Foreign Nationals. – Subject to the guidelines issued by the Council, trafficked persons in the Philippines who are nationals of a foreign country shall also be entitled to appropriate protection, assistance and services available to trafficked persons under this Act, including the provision of interpreters and coordination with their respective embassies with the express consent of the victims: *Provided, That they shall be permitted continued presence in the Philippines for a length of time prescribed by the Council as necessary to effect the prosecution of offenders.*

Section 13. Section 20 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

Section 20. Inter-Agency Council Against Trafficking. – There is hereby established an Inter-Agency Council Against Trafficking (IACAT), to be composed of the Secretary of the Department of Justice as Chairperson and the Secretary of the Department of Social Welfare and Development as Co-chairperson and shall have the following as members:

- (a) Secretary, Department of Foreign Affairs;
- (b) Secretary, Department of Labor and Employment;
- (c) Secretary, Department of the Interior and Local Government;
- (d) Secretary, Department of Education;
- (e) Secretary, Department of Health;
- (f) Secretary, Department of Information and Communications Technology;
- (g) Secretary, Department of Migrant Workers;
- (h) Secretary, Department of Tourism;
- (i) Secretary, Department of Transportation;
- (j) Administrator, Philippine Overseas Employment Administration;
- (k) Commissioner, Bureau of Immigration;
- (l) Commandant, Philippine Coast Guard;
- (m) Chief, Philippine National Police;
- (n) Chairperson, Philippine Commission on Women;
- (o) Chairperson, Commission on Filipinos Overseas;
- (p) Chairperson, National Commission on Indigenous Peoples;
- (q) Director, National Bureau of Investigation;
- (r) Executive Director, Philippine Center on Transnational Crime;
- (s) Executive Director, Council for the Welfare of Children;
- (t) Executive Director, National Authority for Child Care;
- (u) Executive Director, Anti-Money Laundering Council;
- (v) Presidents of the Leagues of Provinces, Municipalities, and Cities of the Philippines; and
- (w) Three (3) representatives from NGOs, who shall include one (1) representative each from among the sectors representing women, overseas Filipinos, and children, with a proven record of involvement in the prevention and suppression of trafficking in persons, and with a view towards even geographical representation. These representatives shall be nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years.

The members of the Council may designate their permanent representatives who shall have a rank not lower than an

assistant secretary or its equivalent to meetings, and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations."

Section 14. Section 21 of Republic Act No. 9208 is hereby amended to read as follows:

"**Section 21.** Functions of the Council. – The Council shall have the following powers and functions:

(a) Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons, utilizing a multi-disciplinary and collaborative approach in the service delivery to and case management of trafficking victims and survivors and their families, including livelihood opportunities, and the development of school-based and community-based human trafficking preventive education programs, and psychosocial interventions by a multi-disciplinary team for the victims and their families;

x x x

(m) Coordinate with the DICT, DTI, and other NGOs in monitoring the promotion of advertisements that tend to promote trafficking in persons;

(n) x x x;

(o) x x x;

(p) Regularly assess current data collection on, and the reporting and monitoring system for trafficking in persons, and identify gaps in implementation;

(q) Develop an effective referral system which concerned government agencies and NGOs can use to coordinate the provision of the necessary intervention or assistance that can be provided to trafficked persons;

(r) Conduct periodic studies with other stakeholders such as LGUs, civil society, and the academe to build more empirical evidence on trafficking cases;

(s) Develop an integrated case management system or trafficking in persons data sets to facilitate the coordination and monitoring among the members of the Council and ensure the proper recovery and reintegration of the victim-survivors of trafficking;

(t) Impose administrative sanctions on the violations of this law and its implementing rules and regulations as well as its orders and resolutions; and

(u) Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of this Act."

Section 15. Section 22 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

"**Section 22.** Secretariat to the Council. – The Department of Justice shall establish the necessary Secretariat for the Council.

x x x

The Secretary of Justice shall determine the organizational structure and staffing pattern of the Secretariat. Such organizational structure and staffing pattern shall be submitted to the Department of Budget and Management for approval."

Section 16. Section 24 of Republic Act No. 9208 is hereby amended to read as follows:

"**Section 24.** Other Services for Trafficked Persons. –

(a) x x x

(b) x x x

(c) x x x

(d) Healing, Recovery, and Reintegration Program for Trafficked Persons (RRPTP) – The DSWD and the LGUs shall develop and implement a healing, recovery, and reintegration program for trafficked persons which shall include a comprehensive package of services for the individual victim-survivor of trafficking in persons, the victim's immediate family, and the community at large including mental health services

such as psychological assessment, counseling and therapy, rehabilitation, upgrade of temporary shelters, assistance in accessing judicial services, livelihood training and opportunities, psychoeducation services, educational scholarships, or skills enhancement training services, and economic reintegration services.

The LGUs shall be responsible for the proper implementation of the recovery and reintegration program for trafficked persons: *Provided*, That the DSWD shall monitor and evaluate the implementation of the program and conduct an audit of Local Social Welfare and Development Offices."

Section 17. Section 26-A of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

"Section 26-A. Extra-Territorial Jurisdiction. - The State shall exercise jurisdiction over any act defined and penalized under this Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, if the offense, being a continuing offense, was either commenced in the Philippines; or committed in another country: *Provided*, That in the case of the latter, the suspect or accused:

(a) x x x;

(b) x x x;

(c) x x x;

x x x."

Section 18. Section 28 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

Section 28. Appropriations. - The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

Section 19. Section 29 of Republic Act No. 9208 is hereby amended to read as follows:

"**Section 29. Implementing Rules and Regulations (IRR).** - The IACAT shall, in consultation with representatives from other relevant government agencies such as CWC, DICT, CICC, PNP, NBI, NTC, NPC, the internet intermediaries, and concerned NGOs, promulgate the necessary rules and regulations to implement this Act, within ninety (90) days after the effectivity. The Revised Penal Code and other special laws shall be suppletorily applicable to this Act."

Section 20. Separability Clause. - If any part of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect. *lauphil*

Section 21. Repealing Clause. - Article 202 of the Revised Penal Code, as amended by Republic Act No. 10158, is deemed repealed and Republic Act No. 9208, as amended by Republic Act No. 10364, is hereby further amended. All laws, acts, presidential decrees, executive orders, administrative orders, and rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified, or repealed accordingly: *Provided*, That this Act shall not in any way amend or repeal the provisions of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

Section 22. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Expanded Anti-Rape Act

RA No. 11648

Signed into law on March 4, 2022, strengthens child protection in the Philippines by increasing the age of sexual consent from 12 to 16 years old. This amendment aims to provide greater protection against sexual exploitation and abuse, aligning the country's laws with international standards.

KEY PROVISIONS

- **Increased Age of Sexual Consent:** Sexual activity with individuals under 16 is considered statutory rape, with exceptions only if the age difference is not more than three years and the act is consensual, non-abusive, and non-exploitative.
- **Qualified Seduction:** Amends the crime of qualified seduction to cover victims aged 16 to under 18 years old, imposing higher penalties for offenders in positions of authority or trust.
- **Child Protection Curriculum:** Mandates the Department of Education to include age-appropriate subjects on children's rights and protection in the basic education curriculum.



Eighteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, two thousand twenty one.

[REPUBLIC ACT NO. 11648, March 04, 2022]

AN ACT PROMOTING FOR STRONGER PROTECTION AGAINST RAPE AND SEXUAL EXPLOITATION AND ABUSE, INCREASING THE AGE FOR DETERMINING THE COMMISSION OF STATUTORY RAPE, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS "THE REVISED PENAL CODE," REPUBLIC ACT NO. 8353, ALSO KNOWN AS "THE ANTI-RAPE LAW OF 1997," AND REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT"

Be enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Article 266-A (1)(d) of Act No. 3815, otherwise known as "The Revised Penal Code," as amended by Republic Act No. 8353 known as "The Anti-Rape Law of 1997," is hereby further amended to read as follows:

"Article 266-A. Rape; When and How Committed. - Rape is committed:

"1) By a person who shall have carnal knowledge of another person under any of the following circumstances:

"x x x"

d) When the offended party is under sixteen (16) years of age or is demented, even though none of the circumstances mentioned above be present: *Provided*, That there shall be no criminal liability on the part of a person having carnal knowledge of another person under sixteen (16) years of age when the age difference between the parties is not more than three (3) years, and the sexual act in question is proven to be consensual, non-abusive, and non-exploitative: *Provided, further*, That if the victim is under thirteen (13) years of age, this exception shall not apply.

"As used in this Act, non-abusive shall mean the absence of undue influence, intimidation, fraudulent machinations, coercion, threat, physical, sexual, psychological, or mental injury or maltreatment, either with intention or through neglect, during the conduct of sexual activities with the child victim. *Lawphi* On the other hand, non-exploitative shall mean there is no actual or attempted act or acts of unfairly taking advantage of the child's position of vulnerability, differential power, or trust during the conduct of sexual activities."

Section 2. Articles 337 and 338 of Act No. 3815, otherwise known as "The Revised Penal Code" are hereby amended to read as follows:

"Article 337. Qualified seduction. - The seduction of a minor, sixteen and over but under eighteen years of age, committed by any person in public authority, priest, home-servant, domestic, guardian, teacher, or any person who, in any capacity, shall be entrusted with the education or custody of the minor seduced, shall be punished by prison correccional in its minimum and medium periods.

"The penalty next higher in degree shall be imposed upon any person who shall seduce his sister or descendant, whether or not she be a virgin or over eighteen years of age.

"Under the provisions of this Chapter, seduction is committed when the offender have carnal knowledge of any of the persons and under the circumstances described therein."

"Article 338. Simple seduction. - The seduction of a minor, sixteen and over but under eighteen years of age, committed by means of deceit, shall be punished by *arresto mayor*."

Section 3. Sections 5(b), 7, 9, and 10(b) of Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act are hereby amended to read as follows:

"Section 5. *Child Prostitution and Other Sexual Abuse*. - Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse

."x x x

"(a) x x x

“(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: *Provided*, That when the victim is under sixteen (16) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, otherwise known as “The Revised Penal Code”, for rape, or lascivious conduct, as the case may be: *Provided*, That the penalty for lascivious conduct when the victim is under sixteen (16) years of age shall be *reclusion temporal* in its medium period; and

x x x.”

“Section 7. *Child Trafficking*. – Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any consideration, or barter, shall suffer the penalty of reclusion temporal to reclusion perpetua. The penalty shall be imposed in its maximum period when the victim is under sixteen (16) years of age.

x x x.”

“Section 9. *Obscene Publications and Indecent Shows*. – Any person who shall hire, employ, use, persuade, induce, or coerce a child to perform in, obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials, or to sell or distribute the said materials shall suffer the penalty of prision mayor in its medium period.

“If the child used as a performer, subject, or seller/distributor is under eighteen (18) years of age, the penalty shall be imposed in its maximum period.

x x x”

“Section 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development*. –

“(a) x x x

“(b) Any person who shall keep or have in his company a minor sixteen (16) years of age or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach, and/or other tourist or similar places shall suffer the penalty of prision mayor in its maximum period and a fine of not less than Fifty thousand pesos (P50,000.00): *Provided*, That this provision shall not apply to any person who is related within fourth degree of consanguinity or affinity or any blood recognized by law, local custom and tradition or acts in the performance of a social, moral or legal duty.

x x x.”

Section 4. Public and private institutions engaged in the education, training, and care of children shall ensure that their curriculum for continuing staff development included plans and learning sessions on the scope of their duties and responsibilities in identifying, responding to and reporting rape and other sexual offenses.

The Department of Education shall include in the basic education curriculum and teach age-appropriate subject concerning the rights and protection of the children in relation to this Act.

Section 5. If any provision of this Act is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain in full force and effect.

Section 6. All laws, decrees, orders, ordinances, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

Section 7. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act

RA No. 11930

Enacted on July 30, 2022 to strengthen the protection of children from online sexual abuse and exploitation (OSAEC) and the production, distribution, and possession of child sexual abuse or exploitation materials (CSAEM).

KEY PROVISIONS

- **Criminalization of OSAEC and CSAEM:** The law criminalizes various acts, including coercing or extorting children to create CSAEM, livestreaming acts of child sexual abuse or exploitation, publishing CSAEM, and distributing CSAEM by any means.
- **Establishment of the National Coordination Center:** The law establishes the National Coordination Center against OSAEC and CSAEM under the Inter-Agency Council Against Trafficking (IACAT). This center is responsible for developing and implementing programs to prevent and address OSAEC and CSAEM.
- **Mandatory Services for Victims:** The law mandates the provision of emergency shelter, counseling, free legal services, medical or psychological services, livelihood and skills training, and educational assistance to victims of child sexual abuse or exploitation and their families.
- **International Cooperation and Jurisdiction:** The law extends its jurisdiction over offenses committed outside the Philippines if the offender is a Filipino citizen or resident. It also encourages international cooperation in combating OSAEC and CSAEM.
- **Penalties:** Offenders may face imprisonment of up to 40 years and fines of up to P20 million.



Eighteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, two thousand twenty one.

[REPUBLIC ACT NO. 11930, July 30, 2022]

AN ACT PUNISHING ONLINE SEXUAL ABUSE OF EXPLOITATION OF CHILDREN, PENALIZING THE PRODUCTION, DISTRIBUTION, POSSESSION AND ACCESS OF CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS, AMENDING REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE “ANTI-MONEY LAUNDERING ACT OF 2001”, AS AMENDED AND REPEALING REPUBLIC ACT NO. 977, OTHERWISE KNOWN AS THE “ANTI-CHILD PORNOGRAPHY ACT OF 2009”

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Short Title. – This Act shall be known as the “Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act.”

Section 2. Declaration of Policy. – The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, emotional, psychological and social well-being. Thus, it is the policy of the State to provide special protections to children from all forms of sexual violence, abuse and exploitation especially those committed with the use of information and communications technology (ICT), provide sanctions for their commission and carry out programs for the prevention, deterrence and intervention in all situations of online sexual abuse and exploitation of children in the digital and non-digital production, distribution or possession of child sexual abuse or exploitation material. Towards this end, the State shall:

- (a) Guarantee the fundamental rights of every child from all forms of neglect, cruelty and other conditions prejudicial to their development;
- (b) Protect every child from all forms of abuse or exploitation, whether committed with or without the use of ICT, such as when the abuse or exploitation involves:
 - (1) performances and materials through online or offline means or a combination of both; and
 - (2) the inducement or coercion of a child to engage or be involved in child sexual abuse or exploitation materials through whatever means.
- (c) Comply with international treaties concerning the rights of children to which the Philippines is a signatory or a State party which include, but is not limited to, the United Nations (UN) Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the International Labour Organization (ILO) Convention No. 182 on the Elimination of the Worst Forms of Child Labour, and the Convention against Transnational Organized Crime;
- (d) Ensure the right of children to useful, meaningful and safe access to digital technologies that will provide knowledge and develop their understanding of civil, political, cultural, economic and social rights and help them achieve their potential to be empowered, responsible, law-abiding citizens, with the end in view of protecting them from any form of violence online; and
- (e) Provide paramount consideration to the interests of children in all actions affecting them, whether undertaken by public or private social welfare institutions, courts of law, executive agencies, law enforcement agencies, local government units (LGUs), legislative bodies, and private business enterprises especially those related to the online safety and protection of children.

Section 3. Definition of Terms. – As used in this Act:

- (a) Child refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical, mental, intellectual or sensory disability or condition. For purposes of this Act, a child shall also refer to:
 - (1) A person regardless of age who is presented, depicted or portrayed as a child as defined herein; and
 - (2) Computer-generated, digitally or manually crafted images, or graphics of a person who is represented or who is made to appear to be a child as defined herein.

(b) Child sexual abuse refers to any form of communication through any platform or format, or any physical interaction between a child and any person when the child is being used for any act or activity inducing sexual stimulation or for the purpose of sexual gratification or in pursuit of the desire to have carnal knowledge of the child, regardless of the gender of the perpetrator or the victim, or the consent of the victim;

(c) Child sexual abuse or exploitation material or child sexual abuse material (CSAEM/CSAM) refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. For purposes of this Act, CSAEM may interchangeably be referred to as CSAM;

(d) Child sexual exploitation refers to any of the following acts even if consent appears to have been granted by the child:

(1) Child sexual abuse with consideration whether monetary or nonmonetary consideration, favor, or benefit in exchange for the opportunity to perform such abusive or exploitative act

(2) Actual sexual intercourse with a child or children with or without consideration;

(3) Employing fraud, machination, undue influence, intimidation, threat or deception by any person to commit sexual abuse of or sexual intercourse with a child or children; or

(4) 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;

(e) Competent authority refers to law enforcement authority, investigating authority, prosecutor, court, telecommunications/ICT regulator, cybercrime investigator/coordinator, data privacy regulator, or the National Coordination Center against OSAEC and CSAEM (NCC-OSAEC-CSAEM);

(f) Computer refers to an electronic, magnetic, optical, electrochemical, or other data processing or communications device, or grouping of such devices, capable of performing logical, arithmetic, routing, or storage functions and which includes any storage facility or equipment or communications facility or equipment directly related to or operating in conjunction with such device. It covers any type of computer device including devices with data processing capabilities like mobile phones, smartphones, computer networks and other devices connected to the internet;

(g) Computer data refers to any representation of facts, information, or concepts in a form suitable for processing in a computer system, including a suitable program that can enable a computer system to perform a function, and electronic documents or electronic data messages whether stored in local computer systems or online;

(h) Content data refers to the content of the communication, the meaning or purport of the communication, or the message or information being conveyed by the communication, other than traffic data, or subscriber's information/registration information;

(i) 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 of CSAEM;

(j) Image-based sexual abuse (ISA) refers to a form of technology-facilitated sexual violence. The term describes a pattern of behavior involving the nonconsensual creation, distribution, or threats to distribute nude or sexual images. It includes a diversity of behaviors including, but not limited to, "sextortion scams," the use of artificial intelligence to construct "deepfake" pornographic videos, threats to distribute photographs and videos; and the taking or sharing of sexual assault imagery;

(k) Information and communications technology (ICT) refers to the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information;

(l) Internet address refers to the uniform resource locator or internet protocol address of an internet site;

(m) Internet asset includes internet site and any device that is engaged in peer-to-peer sharing of OSAEC and CSAEM

(n) Internet café or kiosk refers to an establishment or any place or venue that offers or proposes to offer the use of its computer/s or computer system for the purpose of accessing the internet, computer games or related activities: *Provided*, That for purposes of this Act, non-formal business establishments that provide internet services shall also be considered as internet café or kiosk;

(o) Internet hotspot refers to an establishment or any place or venue that offers access to the internet. It includes hotels or motels, malls, restaurants, internet cafés or kiosks, public spaces or other related/similar places;

(p) Internet intermediaries refer to persons or entities that provide infrastructure, platforms, access to, and host, transmit and index content, products and services originated by third parties on the internet. These include, among others:

- (1) Internet service providers;
- (2) Web hosting providers including domain name registrars;
- (3) Internet search engines and portals;
- (4) E-commerce intermediaries;
- (5) Internet payment system providers; and
- (6) Participative network platform providers including social media intermediaries.

(q) Internet service provider (ISP) refers to a public telecommunication entity (PTE) or value-added service (VAS) provider duly authorized by or registered with the National Telecommunications Commission (NTC) that provides users or other entities with data connection allowing access to the internet through physical transport infrastructure, and such access is necessary for internet users to access content and services on the internet, and for content providers to publish or distribute materials online;

(r) Internet site refers to a website, bulletin board service, internet chat room, newsgroup, or any other internet or shared network protocol address;

(s) 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 CSAEM;

(t) Online sexual abuse or exploitation of children (OSAEC) refers to the use of ICT as a means to abuse and/or exploit children sexually, which includes cases in which offline child abuse and/or exploitation is combined with an online component. This can also include, but is not limited to, the production, dissemination and possession of CSAEM; 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: *Provided*, That OSAEC may be used interchangeably with online child sexual exploitation or abuse (OCSEA);

(u) Pandering refers to the act of offering, advertising, promoting, representing or distributing through any means any child sexual abuse or exploitation material, or any material that purports to contain any form of child sexual abuse or exploitation material, regardless of its actual content;

(v) Participative network platform provider refers to any person or entity, including a social media intermediary, that facilitates social communication and information exchanges which is based on online technologies such as web, instant messaging, or mobile technologies, that enable users to contribute to developing, rating, collaborating and distributing internet content and developing and customizing internet applications or to conduct social networking. It may also refer to a person or an entity that provides a platform or site for blogging, video-sharing, picture-sharing, file-sharing sites, online gaming or instant messaging, among others;

(w) Payment system provider (PSP) refers to an entity engaged in any monetary transaction which includes banks, fiat or digital money service businesses including cryptocurrencies, credit card companies and other financial institutions;

(x) Person refers to any natural or juridical entity;

(y) Sexual activity includes the following acts, whether actually performed or simulated:

(1) Sexual intercourse or lascivious act, including contact involving the genitalia, oral stimulation of the genitals or oral stimulation of the anus, whether between persons of the same or opposite sex;

(2) Masturbation;

(3) Sadistic or masochistic abuse;

(4) Lascivious exhibition of the genitalia, buttocks, breasts, pubic area and anus;

(5) Bestiality;

(6) Use of any object or instrument for lascivious acts; or

(7) Any other analogous circumstance.

(z) Sexualization of a child refers to the act of using a child as an object for the sexual desire or satisfaction of another, even if there is no actual sexual intercourse or no private part of the body of the child has been shown;

(aa) Streaming refers to the broadcasting or viewing through the use of ICT, whether the viewer is passively watching or actively directing the content. It is considered live-streaming when the broadcasting or viewing occurs in real-time;

(bb) Subscriber's information or Registration information refers to any information contained in the form of computer data or any other form that is held by a service provider or internet intermediary, relating to subscribers or registrants of its services other than traffic or content data and by which identity can be established:

(1) The type of communication service used, the technical provisions taken thereto and the period of service;

(2) The identity, postal or geographic address, telephone and other access numbers, assigned network address, billing and payment information of the subscriber that is available on the basis of the service agreement or arrangement; and

(3) Any other available information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.

(cc) Traffic data or non-content data refers to any computer data other than the content of the communication including the origin, destination, route, time, date, size, duration, or type of communication of the underlying service; and

(dd) Web hosting provider refers to a person that provides infrastructure for hosting, supplies web server space and internet connectivity that enables a user to post, upload, download and share user-generated content, or a content provider who supplies content to the internet. It shall also refer to a person that provides specialized hosting services such as streaming services or application hosting, domain name registration services, or services that enable users to create and manage their websites.

Section 4. Unlawful or Prohibited Acts. – Regardless of the consent of the child, it shall be unlawful for any person to commit the following acts through online or offline means or a combination of both:

(a) To hire, employ, use, persuade, induce, extort, engage, or coerce a child to perform or participate in whatever way in the creation or production of any form of OSAEC and CSAEM;

(b) To produce, direct, manufacture, facilitate, or create any form of CSAEM, or participate in the production, direction, manufacture, facilitation or creation of the same;

(c) To offer, sell, distribute, advertise, promote, export, or import, by any means, any form of CSAEM;

(d) To knowingly publish, transmit and broadcast, by any means, any form of CSAEM;

- (e) To permit or influence the child to engage, participate or assist in any form of CSAEM;
- (f) To produce, direct, create, hire, employ or pay a facilitator to stream or livestream acts of child sexual abuse or exploitation
- (g) To stream or live-stream acts of, or any form of, child sexual abuse and exploitation;
- (h) To recruit, transport, transfer, harbor, provide, or receive a child or to induce or influence the same, for the purpose of violating this Act;
- (i) To introduce or match a child to a foreign national or to any person for the purpose of committing any of the offenses under this Act;
- (j) For film distributors, theaters and ICT services by themselves or in cooperation with other entities, to distribute any form of CSAEM or to facilitate the commission of any of the offenses under this Act;
- (k) To knowingly benefit from, financial or otherwise, the commission of any of the offenses of this Act;
- (l) To provide a venue for the commission of prohibited acts under this section such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments;
- (m) To engage in the luring or grooming of a child: *Provided*, That grooming taking place offline as a prelude to violations under this Act shall also be penalized;
- (n) To sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform;
- (o) To engage in pandering as defined under this Act;
- (p) To willfully subscribe, join, donate to, or support an internet site that hosts OSAEC or the streaming or live-streaming of child sexual abuse and exploitation;
- (q) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means of any brochure, flyer, or any material that promotes OSAEC and child sexual abuse or exploitation
- (r) To possess any form of CSAEM: *Provided*, That possession of three (3) or more CSAEMs is prima facie evidence of the intent to sell, distribute, publish or broadcast;
- (s) To willfully access any form of CSAEM; and
- (t) To conspire to commit any of the prohibited acts stated in this section:

Provided, That the investigation or prosecution of offenses under this Act shall be without prejudice to appropriate investigation and prosecution mechanisms under Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003," as amended, and other related laws.

Section 5. *Effect of Consent of the Victim.* – The consent of the victim is not material or relevant and shall not be available as a defense in the prosecution of the unlawful acts prohibited under this Act.

Section 6. *Syndicated and Large-Scale Violations of this Act.* – Any violation of this Act shall be deemed to have been committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. If the crime was committed against three (3) or more persons, it shall be considered as large-scale violation of this Act.

Section 7. *Protection of a Good Samaritan.* – Any person who has the responsibility of reporting cases under this Act, blocking an internet address, removing a website or domain, taking down of shared videos, pictures, or messages for the services provided by an internet intermediary, and providing information for the purpose of an investigation or prosecution of a case involving acts of OSAEC shall not be held civilly, criminally or administratively liable: *Provided*, That the action was:

- (1) done in good faith;

- (2) necessary to prevent access or dissemination of CSAEMs; and
- (3) reported within twenty-four (24) hours from the act of blocking an internet address, removing a website or domain, or taking down of shared video, picture or messages.

Section 8. Safe Harbor Exception. – Access, possession and recording of any CSAEM of any person for the purpose of complying with the duties under this Act; the reporting to government authorities; legitimate investigation and administration of the criminal justice system; and legitimate policy, scholarly and academic purposes with requisite ethical clearance, shall not be subject to any civil, criminal, or administrative liability.

Section 9. Duties and Responsibilities of Private Sectors. –

(a) Duties of Internet Intermediaries. – Internet intermediaries shall:

- (1) Adopt in their terms of service or service agreements with third-party users or creators of contents, products and services the prohibition of any form or any conduct of streaming or live-streaming of OSAEC and CSAEM in the use of their website, platform, server or facility
- (2) Preserve within six (6) months from the date of the transaction extendible for another six (6) months or during the pendency of the case, all subscriber's or registration information and traffic data in its control and possession: *Provided*, That in the case of content data, the same shall be preserved within one (1) year, and upon notice by the competent authority, the preservation shall be extendible for another six (6) months: *Provided*, however, That the competent authority shall expressly identify and specify such relevant evidence that needs preservation: *Provided*, further, That the integrity of all computer data such as subscriber's information, traffic data and content data relating to communication services provided by a service provider shall be protected for the purpose of investigation and prosecution of cases under this Act: *Provided*, finally, That the preservation period provided under the law governing foreign corporations doing business in the Philippines or the period provided under this Act, whichever is longer, shall prevail;
- (3) Immediately block access to, remove or take down the internet address, uniform resource locator (URL), websites or any content thereof containing CSAEM or involving streaming or live-streaming of OSAEC, within twenty-four (24) hours from receipt of notice from a competent authority or notice containing sufficient information to identify the content and its source: *Provided*, That this period may be extended to another twenty-four (24) hours upon submission of a written justification if the notice was made by any private citizen or by a competent authority without sufficient information to identify the content and its source: *Provided*, however, That the period provided in the preceding paragraph on the period of preservation of subscriber's or registration information, traffic or content data shall apply: *Provided*, further, That the competent authority shall, as far as practicable, expressly identify and specify such relevant evidence that needs preservation
- (4) Report to the Department of Justice (DOJ), within three (3) days, the internet address or websites blocked, removed or taken down, or any form of unusual data activity using its server or facility: *Provided*, That in cases when a foreign internet intermediary is prohibited by its country to share data, the reports filed by such foreign internet intermediary to the corresponding entity tasked by its government to receive cybercrime reports shall be deemed in compliance with this provision: *Provided*, however, That the said foreign internet intermediary shall inform the DOJ of such reporting: *Provided*, further, That whatever relevant evidence otherwise not prohibited by law to be shared shall nevertheless be reported to the DOJ;
- (5) Provide, pursuant to a subpoena issued by the Philippine National Police (PNP) in accordance with Republic Act No. 6975, as amended, otherwise known as the "Department of the Interior and Local Government Code of 1990" or by the National Bureau of Investigation (NBI) in accordance with Republic Act No. 10867, otherwise known as the "National Bureau of Investigation Reorganization and Modernization Act or by the prosecutor in accordance with the Rules of Court; and notwithstanding the provisions of Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act of 2012" and in accordance with Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012," the subscriber's or registration information and/or traffic data of any person who:
 - (i) Gained or attempted to gain access to an internet site, internet asset or internet application

which contains any form of CSAEM; or

(ii) Facilitated the violations of this Act; or

(iii) Conducted the streaming or live-streaming of child sexual exploitation.

The subpoena must particularly describe the information asked for and indicate the relevancy of such information to the sexual abuse and exploitation of children (SAEC) case.

The subpoena must particularly describe the information asked for and indicate the relevancy of such information on violations of this Act.

(6) Develop, establish and install mechanisms or measures designed to prevent, detect, respond or report violations of this Act within their websites, platforms, applications, servers or facilities, compatible with the products and services they offer that may be in accordance with the global best practices and guidelines to counter violations of this Act which may include the installation of available technology, program, or software to ensure that access to or streaming of violations of this Act will be removed, blocked or filtered;

(7) Coordinate with the Department of Justice–Office of Cybercrime (DOJ–OOC) to define the standard upon which an internet intermediary is measured, in order to fairly assess if an internet intermediary has reasonably complied with its duties under this Act; and

(8) Have a policy on notifying their community to ensure that their policy has a provision on delaying or dispensing with notification to an account holder, subscriber or customer of the internet intermediary who is stated to be a suspected offender of an act of OSAEC in an ongoing criminal investigation, of the existence of a subpoena, warrant, court order, or other governmental request directing the internet intermediary to disclose information about the said account holder, subscriber or customer for the purposes of the criminal investigation.

(b) Duties of Internet Service Providers (ISPs). – In addition to the above duties and responsibilities, all ISPs shall:

(1) Notify the PNP or the NBI within forty-eight (48) hours from receipt of information that any form of child sexual abuse or exploitation is being committed using its server or facility, or is likely being committed using its server or facility based on, among others, traffic analysis and observed sudden surges in usage;

(2) Block CSAEM or the streaming or live-streaming of a child sexually abused or exploited within twenty-four (24) hours from receipt of notice containing sufficient information to identify the content and its source: *Provided*, That if the information contained in the notice points to a legitimate website where the blocking thereof may result to blocking of legitimate contents therein, the ISPs shall have the obligation to inform the PNP or NBI within the same period of such fact: *Provided*, further, That failure of the ISPs to block any form of CSAEM or the streaming and/or live-streaming of child sexual exploitation within twenty-four (24) hours from receipt of notice as described above, shall be prima facie evidence of knowledge, as punished under Section 4 (d) of this Act;

(3) Maintain logs of each and every subscriber and the IP address assigned to each and every subscriber at a given date and time

(4) Develop and adopt a set of systems and procedures for preventing, blocking, detecting, and reporting of OSAEC and CSAEM committed within their platforms, which are compatible with the services and products they offer, including the maintenance and management of an updated list of URLs containing CSAEM by partnering with organizations that maintain the most comprehensive list of URLs with CSAEM, and those with hashes of the same;

(5) Adopt and integrate child protection standards in their corporate governance practice and processes; a

(6) Establish high privacy setting as default safety and privacy settings for children, and where practicable and necessary, adopt age-verification controls and protocols to restrict their access to materials within the purview of Section 3 (c) (iv) of Presidential Decree No. 1986, entitled as "Creating the Movie and Television Review and Classification Board."

(c) Duties of PSPs. In addition to the duties specified for internet intermediaries as applicable to internet PSPs, any person who has direct knowledge of any OSAEC and CSAEM financial activity shall have the duty to report any suspected OSAEC and CSAEM-related activity or suspicious transaction to the DOJ-OOC within twenty-four (24) hours and they shall also have the duty to report to the Anti-Money Laundering Council (AMLC), within five (5) days from discovery thereof.

Law enforcement agencies investigating violations of this Act may require financial intermediaries, internet PSPs, and other financial facilitators to provide financial documents and information upon order of any competent court when it has been established that there is reasonable ground to believe that the transactions to be examined involve prohibited activities under this Act.

Notwithstanding the provisions of Republic Act No. 1405, entitled "An Act Prohibiting Disclosure of or Inquiry into Deposits with any Banking Institution and Providing Penalty Therefor," as amended, Republic Act No. 6426, otherwise known as the "Foreign Currency Deposit Act of the Philippines," as amended, Republic Act No. 8791, otherwise known as "The General Banking Law of 2000," as amended, and other pertinent laws, the law enforcement agencies investigating cases under this Act may inquire into or examine any particular deposit or investment, including related accounts, with any banking institution or any non-bank financial institution upon order of any competent court when it has been established that there is reasonable ground to believe that the deposit or investments, including related accounts involved, are related to violations of this Act.

Violations under Sections 4 and 5 of this Act shall be considered as "unlawful activity" under Section 3 (i) of Republic Act No. 9160, otherwise known as the "Anti-Money Laundering Act of 2001," as amended, and shall be punishable under the said Act.

Money transfer and remittance centers shall require individuals transacting with them to present valid government identification cards.

The Department of the Interior and Local Government (DILG) and the AMLC shall promulgate, within ninety (90) days from the effectivity of this Act, the necessary rules and regulations for the implementation of this provision.

(d) Responsibility of All Internet Hotspots, Cafés or Kiosks. – Internet hotspots, cafés or kiosks shall:

- (1) Notify the NCC-OSAEC-CSAEM, within twenty-four (24) hours from obtaining facts and circumstances, of any violation of this Act that are being committed within their premises: *Provided*, That there is a prima facie knowledge that a violation of this Act is being committed if such acts or omission has been committed within the premises of such internet hotspot, café or kiosk;
- (2) Install and update programs and software designed to detect sexually explicit activities involving children and ensure that access to or transmittal of such materials will be blocked or filtered; and
- (3) Promote awareness against OSAEC and CSAEM through clear and visible signages in both English and the local dialect, with local and national hotlines posted within their facilities.

Section 10. Penalties. – The following penalties shall be imposed on the following offenses:

- (a) Any person who violates Section 4, paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) of this Act shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00).
- (b) Any person who violates Section 4, paragraphs (k) and (l) of this Act shall suffer the penalty of reclusion temporal in its maximum period to reclusion perpetua and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00).
- (c) Any person who violates Section 4, paragraphs (m), (n), and (o) of this Act shall suffer the penalty of reclusion temporal in its maximum period and a fine of not less than Eight hundred thousand pesos (P800,000.00) but not less than One million pesos (P1,000,000.00).
- (d) Any person who violates Section 4, paragraph (p) of this Act shall suffer the penalty of reclusion temporal in its medium period and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Eight hundred thousand pesos (P800,000.00).
- (e) Any person who violates Section 4, paragraph (q) of this Act shall suffer the penalty of reclusion temporal in

its minimum period and a fine of not less than Three hundred thousand pesos (P300,000.00) but not more than Five hundred thousand pesos (P500,000.00).

(f) Any person who violates Section 4, paragraph (r) of this Act shall suffer the penalty of reclusion temporal and a fine of not less than Three hundred thousand pesos (P300,000.00).

(g) Any person who violates Section 4, paragraph (s) of this Act shall suffer the penalty of prision mayor in its maximum period and a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00).

(h) Any person who violates Section 4, paragraph (t) of this Act shall suffer the penalty of prision mayor in its medium period and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00).

(i) Any person who violates Section 6 of this Act shall suffer the penalty of life imprisonment and a fine of not less than Five million pesos (P5,000,000.00) but not more than Twenty million pesos (P20,000,000.00).

In addition to the above penalties, the following offenders shall be ineligible for parole:

- (1) An offender who is a recidivist;
- (2) An offender who is a step-parent or collateral relative within the third (3rd) degree of consanguinity or affinity having control or moral ascendancy over the child; and
- (3) Any offender whose victim died or suffered permanent mental, psychological or physical disability.

Except for the violations of this Act that are penalized with life imprisonment, the frustrated commission of the acts prohibited under Section 4 shall be punishable with the penalty one degree lower than that prescribed under this Act: *Provided*, That attempted commission of the acts prohibited under Section 4 shall be punishable with the penalty two (2) degrees lower than that prescribed under this Act.

Any person found guilty of violating Section 9 of this Act shall suffer the penalty of prision mayor in its medium period and a fine of not less than One million two hundred thousand pesos (P1,200,000.00) but not more than Two million pesos (P2,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than Two million pesos (P2,000,000.00) but not more than Three million pesos (P3,000,000.00) and revocation of its license or franchise to operate and the immediate closure of the establishment, when applicable.

Any government official or employee or agent who abuses the authority provided for under Sections 9 and 23 of this Act shall be penalized with imprisonment of prision mayor in its maximum period and perpetual disqualification to hold public office, the right to vote and participate in any public election and a fine of not less than Five hundred thousand pesos (P500,000.00). All the benefits due from service in the government of such public officer or employee shall also be forfeited.

Section 11. Juridical Persons. – If the offender is a juridical person, the penalty shall be imposed upon the owner, manager, partner, member of the board of directors and/or any responsible officer of an enterprise who participated in the commission of the crime or shall have knowingly permitted or failed to prevent its commission. In addition, the corporation shall be fined a minimum of ten percent (10%) but not more than thirty percent (30%) of its net worth and its respective license or permit to operate may be revoked.

Section 12. Alien Offenders. – If the offender is a foreigner, the offender shall be criminally prosecuted immediately. Thereafter, the offender shall be deported after serving sentence and will be permanently barred from re-entering the Philippines

Section 13. Confiscation and Forfeiture of the Proceeds, Tools and Instruments Used in Child Sexual Abuse or Exploitation. – In addition to the penalty imposed for violations of this Act, 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 these are properties of a third person not liable for the unlawful act: *Provided*, That all awards for damages shall be taken from the personal and separate properties of the offender: *Provided*, however, 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 be exclusively used for the purpose of child-rearing programs under the special account of the Department of Social Welfare and Development (DSWD).

When the proceeds, tools and instruments used in the commission of the offense have been destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has 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 14. *Extra-Territorial Jurisdiction.* – The State shall exercise jurisdiction over any act defined and penalized under this Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, if the offense, being a continuing offense, was either commenced in the Philippines; or committed in another country: *Provided*, That in the case of the latter, the suspect or accused is a Filipino citizen, a permanent resident of the Philippines, and has committed the act against a citizen of the Philippines.

No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the Philippines, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Secretary of Justice.

Section 15. *Extradition and Mutual Legal Assistance.* – The DOJ shall be the central authority for all requests for extradition and mutual legal assistance in all legal matters: *Provided*, That the government may surrender or extradite any person accused or convicted of child sexual abuse or exploitation pursuant to the extradition law and applicable extradition treaty.

The DOJ shall make and receive requests for mutual legal assistance in criminal matters from a foreign State relative to the investigation or prosecution of, related criminal proceedings to, any form of child sexual abuse or exploitation and execute or arrange for the execution of such request for assistance. In case there is an existing mutual legal assistance treaty between the Philippines and a foreign State, the provisions of that treaty shall apply.

Section 16. *Cooperation of Law Enforcement Agencies in OSAEC and CSAEM Investigation.* – Recognizing the transnational nature of OSAEC and CSAEM, and notwithstanding the immediately preceding section, the PNP and NBI shall endeavor to establish cooperation arrangements with foreign law enforcement agencies for faster exchange of information, best practices, and joint investigations on OSAEC and CSAEM cases.

Section 17. *Authority of Law Enforcement Agencies to Retain Computer Data.* – Notwithstanding the provisions of Sections 15 and 16 of Republic Act No. 10175, whenever a cybercrime warrant is issued for an OSAEC and CSAEM cases, law enforcement authorities shall be authorized to retain a copy of the result of digital forensic examinations for the purpose of identifying additional victims and suspects, and carrying out a further investigation, case build-up, and referral of information, whenever the crime is found to have nexus abroad, to foreign law enforcement authorities for the conduct of a parallel investigation.

Section 18. *Appointment of Special Prosecutors.* – The DOJ shall appoint or designate special prosecutors to prosecute cases for the violation of this Act.

Section 19. *Jurisdiction.* – Jurisdiction over cases for the violation of this Act shall be vested in the Family Court which has territorial jurisdiction over the place where the offense or any of its essential elements was committed pursuant to Republic Act No. 8369, otherwise known as the "Family Courts Act of 1997,"; *Provided*, That the court shall not require the presence of a child victim during the trial and that the child shall testify in accordance with "Rule on Examination of a Child Witness," as may be provided by the Supreme Court and the Rules of Court.

Section 20. *Venue.* – A criminal action arising from a violation of this Act shall be filed where the offense was committed, where any of its elements occurred, or where the child is found or actually resides at the time of the commission of the offense: *Provided*, That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of the other courts.

Section 21. *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 Act. Towards 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 may, whenever necessary, 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 the identity of the child shall not be disclosed to the public;

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

- (1) Members of the court staff for administrative use;
- (2) The prosecuting attorney;
- (3) Defense counsel;
- (4) The guardian ad litem;
- (5) Agents of investigating law enforcement agencies; and
- (6) 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 as follows:

- (1) Any form of child sexual abuse or exploitation may be viewed only by the parties, their counsel, their expert witness and guardian ad litem;
- (2) Neither form of child sexual abuse or exploitation nor any portion thereof shall be divulged to any other person, except as necessary for investigation, prosecution or trial; and
- (3) No person shall be granted access to any form of child sexual abuse or exploitation or any part thereof unless there is a written affirmation of the receipt of a copy of the protection order; that such person submits to the jurisdiction of the court with respect to the protective order; and that, in case of violation thereof, such person will be subject to the contempt power of the court; and

(e) It shall be unlawful for any editor, publisher, reporter or columnist in case of printed materials, announcer, producer or social media influencer or content creator, in case of television and radio broadcasting and digital media, and producer and director of the film in case of the movie industry, to cause any undue publicity that may result in the further suffering of the child. Any person or agency involved in the reporting, investigation or trial of cases under this Act shall refrain from any act or statement that may be construed as blaming the victim or placing responsibility on the victim for the offense committed against them.

Section 22. *Applicability of Juvenile Justice and Welfare Act, as Amended.* – In cases where the offender is a child, the prosecution of the offense shall be in accordance with Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006," as amended, and the child shall be accorded the appropriate treatment and services under the said law: *Provided*, That in cases of self-generated CSAMs, the child producing the sexualized materials shall be considered as a victim and not as an offender. The child victim shall be accorded the necessary treatment and services under this Act and in existing laws.

Section 23. *Initiation of Investigation.* – Law enforcement agencies are mandated to immediately initiate investigation and counter-OSAEC and -CSAEM-intelligence gathering upon receipt of statements or affidavits from victims of OSAEC and CSAEM, or their families, and other persons who have knowledge or information about violations of this Act, including the private sector.

Agencies that receive complaints of violations of this Act shall develop both online and face-to-face reporting mechanisms that are gender-sensitive, age-appropriate and culturally sensitive to children, especially girls.

In investigating violations of this Act, a law enforcement officer may, upon a written order from the regional trial court, track, intercept, view, monitor, surveil, listen to, and record, by technical or electronic means, any communications, information or messages, including the procurement of content data, transmitted by means of a computer system involving at least one (1) person reasonably believed to have committed violations under this Act: *Provided*, That when the offense involves the use of computer systems and digital platforms, a court order shall not be required in order for a law enforcement officer acting in an undercover capacity to intercept a communication with a person reasonably believed to have committed, is committing, or is about to commit any of the violations of this Act.

Where an order is required, the order shall only be issued or granted upon written application of a law enforcement officer, who shall be examined under oath or affirmation, and the witnesses he or she may produce and the showing that:

- (1) there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed, or is being committed, or is about to be committed;
- (2) that there are reasonable grounds to believe that evidence that will be obtained is essential to the conviction of any person for, or to the solution of, or to the prevention of, any such crimes; and
- (3) that there are no other means readily available for obtaining such evidence.

The order shall only be effective for the length of time determined by the court, which shall not exceed a period of ten (10) days from its issuance... The court issuing the order may, upon motion, extend its effectivity based only on justifiable reasons for a period not exceeding ten (10) days from the expiration of the original period.

In investigating violations of this Act involving the use of the internet and other digital platforms, law enforcement officers acting in an undercover capacity who record their communications with a person or persons reasonably believed to have committed, is committing, or is about to commit any of the violations under this Act shall not be considered as wiretapping or illegal interception, shall not be liable under the provisions of Republic Act No. 4200, otherwise known as "The Anti-Wiretapping Law": *Provided*, That victims of violations of this Act shall not be liable under the provisions of "The Anti-Wiretapping Law" and the "Cybercrime Prevention Act of 2012" if they record, transmit, or perform any other acts directly or indirectly related to the reporting of any violation of this Act committed against them.

Section 24. Who May File a Complaint. – Complaints on cases of any form of child sexual abuse or exploitation punishable under this Act may be filed by the following:

- (1) Offended party;
- (2) Parents or guardians;
- (3) Ascendant or collateral relative within the third (3rd) degree of consanguinity;
- (4) Officer, social worker or representative of a licensed child-caring institution;
- (5) Officer or social worker of the DSWD;
- (6) Local social welfare development officer;
- (7) Any barangay official;
- (8) Any law enforcement officer;
- (9) At least three (3) concerned responsible citizens residing in the place where the violation occurred; or
- (10) Any person who has personal knowledge of the circumstances of the commission of any offense under this Act.

Section 25. Affidavit of Desistance. – Cases involving OSAEC and CSAEM shall not be dismissed based on the affidavit of desistance executed by the victims or their parents or legal guardians. Public and private prosecutors are directed to vigorously oppose and manifest objections to motions for dismissal. Any act that unduly pressures the complainant to execute an affidavit of desistance shall be punishable under this Act.

Section 26. Protective Custody of the Child. – The child victim shall be immediately placed under the protective custody of the city or municipal social welfare and development office: *Provided*, That in cases where (a) the city or municipal social welfare and development office has no registered social worker that can perform case management; (b) the LGU does not have any residential care facility that can afford center-based intervention and rehabilitation; and/or (c) it was assessed that there are safety and risk factors detrimental to the child's stay in the same locality, the DSWD shall provide support and assistance to the concerned city or municipal social welfare and development office by assuming temporary protective custody over the child: *Provided*, however, That the needs of the child shall be provided for by the concerned LGU: *Provided*, further, That the custody proceedings shall be in accordance with the provisions of

Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code."

The DSWD and the DOJ shall extend all necessary legal assistance and support to the city or municipal social welfare and development office for any legal impediment that may arise in performing their functions in assuming temporary protective custody as another form of technical assistance and resource augmentation. In the regular performance of this function, the city or municipal social welfare and development office or the DSWD shall be free from any administrative, civil or criminal liability.

The child shall also be considered as a victim of a violent crime defined under Section 3 (d) of Republic Act No. 7309, entitled "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 for Other Purposes," and may claim compensation therefor.

Section 27. 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 LGUs, through its city or municipal social welfare and development office, shall make available the following services to victims of any form of child sexual abuse or exploitation and their families, when applicable:

- (a) Emergency shelter or appropriate housing;
- (b) Counseling;
- (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.

The DSWD and other concerned national government agencies may provide the necessary technical assistance and resource augmentation to the LGUs or city or municipal social welfare and development office, subject to the availability of funds.

Section 28. Programs for Victims of Child Sexual Abuse or Exploitation. – The National Coordination Center against OSAEC and CSAEM created under Section 30 of this Act 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 or children into the mainstream of society. Such programs shall include the

- (a) provision of mandatory services including counseling, free legal services, medical or psychological services, livelihood and skills training and educational assistance to the child or children and their families;
- (b) sponsorship of a national research program on OSAEC and CSAEM and the establishment of a data collection system for monitoring and evaluation purpose;
- (c) provision of necessary technical and material support services to appropriate government agencies and nongovernment organizations (NGOs);
- (d) sponsorship of conferences and seminars to provide a venue for consensus building amongst the public, the academe, government, nongovernment and international organizations;
- (e) promotion of information and education campaigns regarding the safe and responsible use of the internet in relation to the violations of this Act to educate the public, including children; and
- (f) provision of programs developed for purposes of intervention and diversion, as well as rehabilitation of the child victim, for reintegration into the family of the child or community.

Section 29. Reasonable Accommodation for Children with Disabilities. – The DOJ and the DSWD shall develop guidelines,

within ninety (90) days from the finalization of the implementing rules and regulations of this Act and pursuant to the UN Convention on the Rights of Persons with Disabilities, for the provision, as far as practicable, of necessary and appropriate modification and adjustments across all stages of case management of OSAEC cases to ensure children with disabilities will have access to justice.

The Supreme Court shall, in accordance with its rules and the UN Convention on the Rights of Persons with Disabilities, issue guidelines for the provision, as far as practicable, of necessary and appropriate modification and adjustments across all stages of case management of OSAEC and CSAEM cases to ensure children with disabilities will have access to justice.

Section 30. National Coordination Center against OSAEC and CSAEM. – There shall be a National Coordination Center against OSAEC and CSAEM (NCC-OSAEC-CSAEM) under the Inter-Agency Council Against Trafficking (IACAT) formed under Republic Act No. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003,” as amended. The IACAT shall retain its composition and functions as provided under the Anti-Trafficking in Persons Act of 2003, as amended, with the additional mandate of addressing cases falling under this Act. The NCC-OSAEC-CSAEM, under the direction of the IACAT, shall develop and implement the necessary programs that will prevent the commission of OSAEC and CSAEM, as well as protect, heal and reintegrate the child into the mainstream of society. Such programs shall include the following:

- (a) Provision of mandatory services including emergency shelter or appropriate housing including foster care or kinship care arrangements, counseling, free legal services, medical or psychological services, as well as support services including community-based rehabilitation, livelihood and skills training, educational assistance to the child, sustained supervision and follow-through mechanisms that will track the progress of recovery, rehabilitation, and reintegration of the child;
- (b) Sponsorship of a national research program on OSAEC and CSAEM and the establishment of a data collection system for monitoring and evaluation purposes;
- (c) Development and implementation of a sustained, gender-responsive and effective communication, education and information campaigns at the national, local and community levels using all forms of media, aimed at promoting a working understanding of the law and situating it in the larger context of women and children's rights;
- (d) Development of a monitoring and data collection system or database, for purposes of ensuring efficient collection and storage of data on all OSAEC and CSAEM cases, including:
 - (1) the number of cases being investigated, submitted for prosecution, dropped, filed or are pending before the courts, as well as the number of convictions and acquittals;
 - (2) the profile/information on each case;
 - (3) the number of victims of OSAEC and CSAEM referred to the agency by countries/area and by area of origin; and
 - (4) disaggregated data on OSAEC and CSAEM victims and the accused/defendants as to gender, age and nationality.
- (e) Establishment of a point-of-contact and coordination system with international organizations for the receipt of reports on OSAEC and CSAEM; and
- (f) Promotion of information, awareness and education campaigns regarding safe and responsible use of the internet in relation to OSAEC and CSAEM to educate the public, including children.

Section 31. Secretariat. – The NCC-OSAEC-CSAEM shall have its own Secretariat and shall be headed by an Executive Director, who shall be appointed by the IACAT. The Executive Director must have adequate knowledge of, training and experience in the phenomenon of and issues involved in OSAEC, CSAEM and in the field of law, law enforcement, ICT, social work, and child protection. The Executive Director shall be under the supervision of the IACAT and shall perform the following functions:

- (a) Act as the administrative officer of its Secretariat;

- (b) Advise and assist the IACAT Chairpersons in formulating and implementing the objectives, policies, plans and programs of the NCC-OSAEC-CSAEM, including those involving mobilization of government offices as well as other relevant government offices, task forces, and mechanisms;
- (c) Oversee the referral pathway protocols;
- (d) Oversee all operational activities;
- (e) Provide assistance to law enforcement agencies in the investigation and prosecution of OSAEC and CSAEM cases;
- (f) Ensure the security of the database of OSAEC and CSAEM cases;
- (g) Ensure effective and efficient performance of functions and prompt implementation of objectives, policies, plans and programs;
- (h) Propose effective allocations of resources for implementing objectives, policies, plans and programs;
- (i) Submit periodic reports to the IACAT members on the progress of objectives, policies, plans and programs;
- (j) Coordinate with the DOJ-OOO to monitor compliance of internet intermediaries pursuant to the latter's obligations under this Act; and
- (k) Perform other duties as the IACAT Chairs may assign.

Section 32. Referral Pathway for OSAEC Cases. – There shall be an organized and unified referral pathway for reporting, detecting, investigating, prosecuting, and providing aftercare assistance and support in OSAEC and CSAEM cases. The NCC-OSAEC-CSAEM shall develop a system and a set of gender-responsive, child-friendly, victim-centered and trauma-informed protocols for referring OSAEC and CSAEM cases and recording and maintaining a unified database for the purpose of tracking and updating the status and stages of investigation and prosecution of the same, consistent with existing laws on the protection of the welfare of children. The NCC-OSAEC-CSAEM shall also develop a feedback mechanism for victim-survivors who have accessed its services via this pathway.

Section 33. Local Governments. – Local governments shall pass an ordinance to localize efforts against OSAEC and CSAEM, take account local culture and norms, institutionalize community-based initiatives that address OSAEC and CSAEM at the barangay level, establish OSAEC and CSAEM prevention programs that aim to educate families against OSAEC and CSAEM, and provide a holistic local program for rehabilitation and reintegration under the local social welfare and development office including support and protection for victims and survivors.

Section 34. Blacklisting of Alien OSAEC Offenders. – In coordination with the Department of Foreign Affairs (DFA), the Bureau of Immigration (BI) and the DOJ shall ensure that all convicted offenders of OSAEC, CSAEM, or similar or equivalent crimes in other jurisdictions, or those aliens reported to or being monitored by Philippine law enforcement authorities for conducting OSAEC and CSAEM activities shall not be allowed entry in the Philippines. In addition to its data system collection and database functions under Section 32, the NCC-OSAEC-CSAEM shall create and maintain an updated registry of blacklisted aliens based on the information from the DFA, BI and the DOJ.

Section 35. Age Verification Protocols. – All online providers of adult content shall be required to adopt an anonymous age verification process before granting access to adult content. Not later than one (1) year after the passage of this Act, the NTC shall complete a policy study into age-verification controls and protocols by internet intermediaries that may be put in place in order to restrict the access of children to materials within the purview of Section 3 (c) (iv) of Presidential Decree No. 1986, with the end in view of promulgating rules and regulations to this effect. Said rules and regulations governing the adoption of an anonymous age verification process shall be promulgated not later than eighteen (18) months after the passage of this Act. Nothing in this provision shall be construed as an exemption to the provisions of the "Data Privacy Act of 2012."

Section 36. Authorized Sharing of Information. – The AMLC shall share information relating to activities prohibited under this Act with the NCC-OSAEC-CSAEM for the purpose of prosecuting offenders alleged to have committed such activities. This information may be shared among AMLA-covered institutions to facilitate compliance with their obligations as reporting entities under this Act.

Section 37. Creation of the OSAEC and CSAEM Offenders Registry. – An OSAEC and CSAEM offenders registry for both

Filipino nationals and foreigners shall be created containing the following information of adult individuals convicted of OSAEC, CSAEM and other sexual offenses against children:

- (a) name;
- (b) address;
- (c) employment;
- (d) fingerprints;
- (e) complete criminal history;
- (f) recent photograph; and
- (g) other relevant information necessary for the proper registration of child sexual offenders.

The OSAEC and CSAEM offenders registry shall be lodged in the NCC-OSAEC-CSAEM, shall be regularly updated and shared with relevant national government authorities, and shall also be linked to international law enforcement agencies. In accordance with the provisions of the Data Privacy Act of 2012, the NCC-OSAEC-CSAEM may release relevant information that is necessary to protect the public from imminent danger concerning a specific person required to register under this section: *Provided*, That juvenile offenders shall not be recorded in the registry.

Section 38. Congressional Oversight Committee. – There is hereby created a Congressional Oversight Committee composed of five (5) members from the Senate of the Philippines and five (5) members from the House of Representatives. The members of the Senate shall be composed of the Chairperson of the Senate Committee on Women, Children, Family Relations and Gender Equality and the remaining four (4) members shall be appointed by the Senate President. The members of the House of Representatives shall be composed of the Chairpersons of the Committees on Welfare of Children, Revision of Laws, and Information and Communications Technology and the remaining two (2) members shall be appointed by the Speaker of the House of Representatives.

The oversight committee shall monitor and ensure the effective implementation of this Act, recommend the necessary remedial legislation or administrative measures, and perform such other duties and functions as may be necessary to attain the objectives of this Act.

Section 39. Transitory Provisions. – The mandates, office and funding of the existing Inter-Agency Council Against Child Pornography (IACACP) under Republic Act No. 9775, otherwise known as the "Anti-Child Pornography Act of 2009," shall remain until the effectivity of this Act. Upon the effectivity of this Act, all the powers, functions, offices, personnel, assets, information and database of the IACACP shall be transferred to the NCC-OSAEC-CSAEM without the need of conveyance or order, as the case may be.

Within one (1) year from the effectivity of this Act, the existing budget or funds of the IACACP shall be utilized by the NCC-OSAEC-CSAEM.

The Secretariat or employees of the IACACP shall continue to exercise their respective functions, duties and responsibilities with the corresponding benefits and privileges. As far as practicable, all personnel of the affected offices, agencies and units shall be absorbed by the NCC-OSAEC-CSAEM.

Section 40. Appropriations. – The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act. There is likewise established an Endowment Fund which shall be self-sustaining and shall consist of contributions, donations, grants, or loans from domestic and foreign sources.

Section 41. Implementing Rules and Regulations (IRR). – The members of the IACAT shall constitute itself as the IRR Committee with the DSWD and the DOJ as the lead agencies, and with the inclusion of the Department of Education, Department of Information and Communications Technology, DILG, Department of Tourism, National Privacy Commission, NTC and the AMLC, and two (2) NGOs on children's rights, to promulgate rules and regulations for the effective implementation of this Act. The IRR Committee shall promulgate the rules and regulations within six (6) months from the effectivity of this Act. Such rules and regulations shall take effect upon their publication in two (2) national newspapers of general circulation.

Section 42. Suppletory Application of the Revised Penal Code. – The Revised Penal Code shall be suppletory applicable to this Act.

Section 43. *Separability Clause.* – If any part of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

Section 44. *Repealing Clause.* – Republic Act No. 9775 and Section 4 (c) (1) of Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act of 2012," are hereby repealed.

All other laws, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

Section 45. *Effectivity.* – This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in a newspaper of general circulation.

Philippine Law to Prohibit Child Marriage

RA No. 11596

Signed into law on December 10, 2021, the law criminalizes the practice of child marriage and cohabitation between adults and children, aiming to protect minors from early and forced unions.

KEY PROVISIONS

· **Definition of Child Marriage:** Any marriage or union where one or both parties are under 18 years old, including informal cohabitation, is considered a child marriage.

· Penalties:

· Individuals who facilitate or solemnize a child marriage face imprisonment of up to 12 years and fines of at least P50,000.

· Adult partners cohabiting with a child outside wedlock are subject to the same penalties.

· Public officials who officiate child marriages may be dismissed from service and permanently disqualified from holding public office.

· **Void Marriages:** Child marriages are declared void from the beginning, allowing for annulment without time constraints.

· Government Responsibilities:

· The Department of Social Welfare and Development (DSWD) leads the implementation of the law, providing programs and services for victims.

· The Department of Education (DepEd) includes discussions on the impacts of child marriage in the educational curriculum.

· The Department of the Interior and Local Government (DILG) conducts awareness campaigns at the local government level.



Eighteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, two thousand twenty one.

[REPUBLIC ACT NO. 11596, December 10, 2021]

AN ACT PROHIBITING THE PRACTICE OF CHILD MARRIAGE AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Declaration of State Policy. – Consistent with Section 13, Article II of the Philippine Constitution, the State recognize the vital role of the youth in nation-building and promotes and protects their physical, moral, spiritual, intellectual, and social well-being. In the pursuit of this policy, the State shall abolish all traditional and cultural practices and structures that perpetuate discrimination, abuse and exploitation of children such as the practice of child marriage.

Further, the State recognizes the role of women in nation-building and shall therefore protect and promote their empowerment. *Lawphi* This entails the abolition of the unequal structures and practices the perpetuate discrimination and inequality.

The State affirms the human rights of children consistent with its obligations under (1) international conventions to which the Philippines is a State Party, including the (a) Universal Declaration of Human Rights; (b) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; (c) UN Convention on the Rights of the Child; (d) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); (e) Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and (f) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and (2) domestic laws like Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act."

The State affirms that marriage shall be entered into only with the free and full consent of capacitated parties, and child betrothal and marriage shall have no legal effect.

Pursuant to these policies, the State thus views child marriage as a practice constituting child abuse because it debases, degrades, and demeans the intrinsic worth and dignity of children.

Section 2. Interpretation of this Act. – In the interpretation of this Act, the best interests of the child shall be the primary consideration.

Section 3. Definition of Terms. – As used in this Act:

- (a) Child refers to any human being under eighteen (18) years of age, or any person eighteen (18) years of age or over but who is unable to fully take care and protect oneself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- (b) Child marriage refers to any marriage entered into where one or both parties are children as defined in the paragraph above, and solemnized in civil or church proceedings, or in any recognized traditional, cultural or customary manner. It shall include an informal union or cohabitation outside of wedlock between an adult and a child, or between children;
- (c) Guardians refer to relatives or individuals taking custody of a child in the absence of the parents, or anyone to whom a child is given or left for care or custody, whether permanent or temporary; or persons judicially appointed by a competent court as guardians;
- (d) Parents refer to biological parents or adoptive parents; and
- (e) Solemnizing officers refers to any person authorized to officiate a marriage under Executive Order No. 209, otherwise known as "The Family Code of the Philippines," or recognized to celebrate marriages by reason of religion, tradition, or customs.

Section 4. Unlawful Acts. – The following are declared unlawful and prohibited acts:

- (a) *Facilitation of Child Marriage.* – Any person who causes, fixes, facilitates, or arranges a child marriage shall suffer the penalty of prision mayor in its medium period and a fine of not less than Forty thousand pesos

(P40,000.00): *Provided, however,* That should the perpetrator be an ascendant, parent, adoptive parent, step parent, or guardian of the child, the penalty shall be prision mayor in its maximum period, or fine of not less than Fifty thousand pesos (P50,000.00), and perpetual loss of parental authority: *Provided, further,* That any person who produces, prints, issues and/or distributes fraudulent or tampered documents such as birth certificates, affidavits of delayed registration of birth and/or foundling certificates for the purpose of misrepresenting the age of a child to facilitate child marriage or evade liability under this Act shall be liable under this section, without prejudice to liability under other laws: *Provided, finally,* That if the perpetrator is a public officer, he or she shall be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts;

(b) *Solemnization of Child Marriage.* – Any person who performs or officiates a child marriage shall suffer the penalty of prision mayor in its maximum period and a fine of not less than Fifty thousand pesos (P50,000.00): *Provided, however,* That if the perpetrator is a public officer, he or she shall be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts; and

(c) *Cohabitation of an Adult with a Child Outside Wedlock.* – An adult partner who cohabits with a child outside wedlock shall suffer the penalty of prision mayor in its maximum period and a fine of not less than Fifty thousand pesos (P50,000.00): *Provided, however,* That if the perpetrator is a public officer, he or she shall likewise be dismissed from the service and may be perpetually disqualified from holding office, at the discretion of the courts: *Provided, finally,* That this shall be without prejudice to higher penalties that may be imposed in the Revised Penal Code and other special laws.

Section 5. Public Crimes. – The foregoing unlawful and prohibited acts are deemed public crimes and be initiated by any concerned individual.

Section 6. Legal Effect of a Child Marriage. – Child marriage is void ab initio, and the action or defense for the declaration of absolute nullity of a child marriage shall not prescribe in accordance with Articles 35 and 39 of the Family Code of the Philippines. Articles 50 to 54 of the Family Code of the Philippines shall govern on matters of support, property relations, and custody of children after the termination of the child marriage.

Section 7. Enabling Social Environment. – To reinforce the prohibition and criminalization of child marriage, the government shall create an enabling social environment where the practice of child marriage shall not thrive, and for such purpose, the following policies shall be implemented, particularly for girls: (a) empowerment of children through the provision of information, skills and support networks; (b) enhancement of children's access to and completion of quality education; (c) provision of economic support and incentives to children and their families; and (d) application of strategic interventions to influence and empower parents and community leaders to discourage and eradicate the practice of child marriage.

Culturally-appropriate and comprehensive programs and services shall be formulated by the Department of Social Welfare and Development (DSWD) in coordination with the government agencies identified in Section 8 of this Act as duty bearers and with concerned civil society organizations (CSOs) and nongovernment organizations (NGOs). This shall be made and initiated by the DSWD within six (6) months from the effectivity of this Act.

Section 8. Implementing Government Agencies as Duty Bearers. – The provisions of this Act shall be fully and promptly implemented by the following government departments and agencies within their respective jurisdictions:

(a) *DSWD* – shall take the lead in the implementation of this Act and create programs that will address the prevalence of child marriage and provide appropriate services, including but not limited to legal services, health services, psychosocial services, counseling, educational, livelihood and skills development, temporary shelter and all other assistance necessary to protect victims of child marriage and their offspring. It shall include awareness campaigns on the negative effects of child marriage;

(b) *Council for the Welfare of Children (CWC)* – shall work closely with the DSWD in strengthening policies and creating programs to prohibit and end child marriage. It shall include the advocacy to prevent child marriage in the Philippine Plan of Action to End Violence Against Children (PPAEVAC);

(c) *Department of Justice (DOJ)* – shall ensure that the penal provisions of this Act are carried out and provide access to justice and legal services to victims through the Public Attorney's Office (PAO);

(d) *Department of the Interior and Local Government (DILG)* – shall institute a systematic information and

prevention campaign against child marriage through barangay-level education programs and initiatives that are culturally-sensitive and child-centered. The DILG shall also mandate local government units (LGUs) to provide basic intervention for the rescue, recovery, rehabilitation and support of victim of child marriages and their offspring; and establish a system of reporting cases of child marriage;

(e) *Department of Education (DepEd)* – shall include culturally-sensitive and age-appropriate modules and discussions on the impacts and effects of the child marriage in its comprehensive sexuality education curriculum;

(f) *Department of Health (DOH)* – shall ensure access to health services for the prevention of child marriage by providing sexual and reproductive health services and mental health services for children in child marriages, and appropriate health services for their offspring;

(g) *Supreme Court of the Philippines* – shall organize training programs for all relevant courts on the prevention of child marriage and other provisions of this Act and shall ensure strict application of the law and its interpretation in the best interests of the child;

(h) *Philippine Commission on Women (PCW)* – shall integrate dissemination of the provisions of this Act in programs on public awareness and behavior-change communications;

(i) *Commission on Human Rights (CHR)* – shall monitor the implementation of this Act as Gender Ombud and through its Child Rights Center/Desk;

(j) *National Commission on Muslim Filipinos (NCMF)* – shall include in its program of action awareness-raising campaigns within Muslim communities on the impacts and effects of child marriage in the overall health and development of children, monitor and report cases of child marriages in communities under its jurisdiction, ensure the faithful implementation of this Act and its interpretation in the best interests of the child; and

(k) *National Commission for Indigenous Peoples (NCIP)* – shall include in its program of action awareness-raising campaigns within indigenous cultural communities/indigenous peoples on the impacts and effects of child marriage in the overall health and development of children, monitor and report cases of child marriages in communities under its jurisdiction, ensure the faithful implementation of this Act and its interpretation in the interests of the child.

Section 9. *Participation of Women, Girls, Youth Organizations, and Civil Society Organizations.* – Implementing government agencies shall ensure continuing consultations with women, girls, and youth organizations as well as CSOs, whose full and active participation shall be guaranteed in every step and stage of decision-making processes.

Section 10. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the DSWD as lead agency shall, in coordination with the DOH, the DepEd, the CWC, the NCMF, the NCIP, and one (1) representative each from CSOs representing women, children, Muslim Filipinos, and indigenous cultural communities/indigenous peoples, and in consultation with other concerned government agencies and stakeholders, promulgate rules and regulations to implement this Act.

Section 11. *Transitory Provision.* – Within one (1) year from the effectivity of this Act, the NCMF and NCIP shall extensively undertake measures and programs in their respective jurisdictions to assure full compliance with this Act. During the transition period of one (1) year, the applications of Section 4(a) and (b), and Section 5 of this Act to Muslim Filipinos and indigenous cultural communities/indigenous peoples shall be suspended.

Section 12. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

Section 13. *Repealing Clause.* – All laws, decrees, executive orders, and issuances, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 14. *Effectivity.* – This Act shall take effect immediately after fifteen (15) days after its publication in the Official Gazette or in one (1) newspaper of general circulation.

Expanded Solo Parents Welfare Act

RA No. 11861

Enacted on June 4, 2022, amending the original Solo Parents Welfare Act (RA 8972) to provide enhanced support for solo parents in the Philippines.

KEY PROVISIONS

- **Expanded Definition:** Now includes spouses of OFWs away for 12+ months, legal guardians, adoptive and foster parents, and relatives caring for a child due to abandonment or death of parents.
- **Financial Support:**
 - P1,000 monthly cash subsidy for solo parents earning minimum wage or less.
 - 10% discount and VAT exemption on baby essentials for those earning under P250,000 annually.
- **Additional Benefits:**
 - Seven days of paid parental leave annually.
 - Priority in low-cost housing programs.
 - Educational scholarships and skills training for solo parents and their children.
 - Automatic PhilHealth coverage paid by the government.
- **Special Protection for Adolescent Solo Parents:** Includes counseling, health care, and educational support.
- **Implementation & Oversight:** An inter-agency body ensures the law's effective rollout and monitoring.



Eighteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, two thousand twenty one.

[REPUBLIC ACT NO. 11861, June 04, 2022]

AN ACT GRANTING ADDITIONAL BENEFITS TO SOLO PARENTS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8972, ENTITLED "AN ACT PROVIDING FOR BENEFITS AND PRIVILEGES TO SOLO PARENTS AND THEIR CHILDREN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Section 1 of Republic Act No. 8972, entitled "An Act Providing for Benefits and Privileges to Solo Parents and Their Children, Appropriating Funds Therefor and for Other Purposes", is amended to read as follows:

"**Section 1.** *Title.* – This Act shall be known as the 'Expanded Solo Parents Welfare Act.'"

Section 2. Section 2 of Republic Act No. 8972 is amended to read as follows:

"**Section 2.** *Declaration of Policy.* – It is the policy of the State to promote a just and dynamic social order that ensures the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life. The State shall also promote social justice in all phases of national development, value the dignity of every human person and guarantee full respect for human rights. Towards these ends, the government shall:

(a) Support the natural and primary rights and duty of solo parents in rearing their children by providing for their basic needs, and extending to them assistance in social service and welfare benefits, with the end in view of uplifting their status and circumstances; and

(b) Adhere to international agreements and national laws on families."

Section 3. Section 3 of Republic Act No. 8972 is amended to read as follows:

"**Section 3.** *Definition of Terms.* – As used in this Act:

(a) Child minding centers refers to a facility or area within the workplace or in accessible locations to the solo parent or workplace of the guardian provided by the employer where the children of a solo parent employee aged seven (7) years old and below are habitually received for purposes of care and supervision during working hours;

(b) Children pr dependents refer to those living with and dependent upon the solo parent for support who are unmarried, unemployed and twenty-two (22) years old or below, or those over twenty-two (22) years old but who are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition: *Provided*, That this definition shall only apply for purposes of availing the benefits under this Act;

(c) Flexible work schedule refers to a work arrangement granted to solo parent employee to vary the arrival and departure time in t he workplace without affecting the core work hours as defined by the employer;

(d) Parental care and support refer to the acts of providing for the basic needs, health care, mental and physical safety, emotional support and formation of the personality of the child;

(e) Parental leave refers to leave benefits granted to a solo parent to enable the performance of parental duties and responsibilities where physical presence is required or beneficial to the child; and

(f) Spouse refers to a husband or wife by virtue of a valid marriage or a partner in a common-law relationship as defined under Article 147 of Executive Order No. 209, otherwise known as "The Family Code of the Philippines."

Section 4. Section 4 of Republic Act No. 8972 is hereby repealed and a new provision is inserted to read as follows:

“Section 4. Categories of Solo Parent. – A solo parent refers to any individual who falls under any of the following categories:

- (a) A parent who provides sole parental care and support of the child or children due to –
 - (1) Birth as a consequence of rape, even without final conviction: *Provided*, That the mother has the sole parental care and support of the child or children: *Provided*, further, That the solo parent under this category may still be considered a solo parent under any of the categories in this section;
 - (2) Death of the spouse;
 - (3) Detention of the spouse for at least three (3) months or service of sentence for a criminal conviction;
 - (4) Physical or mental incapacity of the spouse as certified by a public or private medical practitioner;
 - (5) Legal separation or de facto separation for at least six (6) months, and the solo parent is entrusted with the sole parental care and support of the child or children;
 - (6) Declaration of nullity or annulment of marriage, as decreed by a court recognized by law, or due to divorce, subject to existing laws, and the solo parent is entrusted with the sole parental care and support of the child or children; or
 - (7) Abandonment by the spouse for at least six (6) months;
- (b) Spouse or any family member of an Overseas Filipino Worker (OFW), or the guardian of the child or children of an OFW: *Provided*, That the said OFW belongs to the low /semi-skilled worker category and is away from the Philippines for an uninterrupted period of twelve (12) months: *Provided*, further, That the OFW, his or her spouse, family member, or guardian of the child or children of an OFW falls under the requirements of this section;
- (c) Unmarried mother or father who keeps and rears the child or children;
- (d) Any legal guardian, adoptive or foster parent who solely provides parental care and support to a child or children;
- (e) Any relative within fourth (4th) civil degree of consanguinity or affinity of the parent or legal guardian who assumes parental care and support of the child or children as a result of the death, abandonment, disappearance or absence of the parents or solo parent for at least six (6) months: *Provided*, That in cases of solo grandparents who are senior citizens but who have the sole parental care and support over their grandchildren who are unmarried, or unemployed and twenty-two (22) years old or below, or those twenty-two (22) years old or over but who are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition, they shall be entitled to the benefits of this Act in addition to the benefits granted to them by Republic Act No. 9257, otherwise known as the 'Expanded Senior Citizens Act of 2003'; or
- (f) A pregnant woman who provides sole parental care and support to the unborn child or children.”

Section 5. Section 5 of Republic Act No. 8972 is amended to read as follows:

“Section 5. Comprehensive Package of Social Protection Services. – A comprehensive package of social protection services for solo parents and their families shall be developed by the Secretary of the Department of Social Welfare and Development (DSWD) in coordination with the heads of the Department of Health (DOH), Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), Department of Labor and Employment (DOLE), Department of Finance (DOF), Department of Migrant Workers (DMW), Department of Justice (DOJ), National Housing Authority (NHA), Department of the Interior and Local Government (DILG), Department of Trade and Industry (DTI), Bureau of Internal Revenue (BIR), Civil Service Commission (CSC), Philippine Health Insurance Corporation (PhilHealth), National Economic and Development Authority (NEDA), Philippine Commission on Women (PCW), Union of Local Authorities of the Philippines (ULAP), local government units (LGUs)

and other concerned nongovernmental organizations (NGOs) with recognized credentials in providing services for solo parents.

The DSWD shall coordinate with the concerned agencies the implementation of the comprehensive package of social protection services for solo parents and their families. The package shall initially include:

(a) x x x;

(b) x x x;

(c) x x x;

(d) x x x; and

(e) Targeted interventions for individuals in need of protection which include temporary shelter, counseling, legal advice and assistance, medical care, self-concept or ego-building, crisis management and spiritual nourishment."

Section 6. Section 7 of Republic Act No. 8972 is amended to read as follows:

"Section 7. Work Discrimination. – No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his or her status. Employers may enter into agreements with their solo parent employees for a telecommuting program, as provided in Republic Act No. 11165, otherwise known as the 'Telecommuting Act': *Provided*, That said solo parent employees shall be given priority by their employer."

Section 7. Section 7 of Republic Act No. 8972 is hereby amended to read as follows:

"Section 8. Parental Leave. – In addition to leave privileges under exiting laws, a forfeitable and noncumulative parental leave of not more than seven (7) working days with pay every year shall be granted to any solo parent employee, regardless of employment status, who has rendered service of at least six (6) months: *Provided*, That the parental leave benefit may be availed of by the solo parent employees in the government and the private sector."

Section 8. Section 9 of Republic Act No. 8972 is hereby amended to read as follows:

"Section 9. Educational Benefits. – The DepEd, CHED, and TESDA shall provide scholarship programs for solo parents and a full scholarship for one (1) child of a solo parent in institutions of basic, higher and technical vocational skills education: *Provided*, That the said solo parent or child of a solo parent has all the qualifications set for the scholarship program of the DepEd, CHED, or TESDA: *Provided*, further, That the other children, if any, of a solo parent shall be given priority in the education programs under Republic Act No. 10687, otherwise known as the 'Unified Student Financial Assistance System for Tertiary Education (UniFAST) Act', Republic Act No. 10931 otherwise known as the 'Universal Access to Quality Tertiary Education Act', and other laws relating to education programs of the government. Non-formal education programs appropriate for solo parents and their children may, likewise be provided.

For purposes of this section, the children must be dependent on the solo parent for support, unmarried, unemployed, and twentytwo (22) years of age or below.

The DepEd, CHED, and TESDA shall promulgate rules and regulations for the proper implementation of this program."

Section 9. Section 10 of Republic Act No. 8972 is hereby repealed and a new provision is inserted to read as follows:

"Section 10. Child Minding Centers. – The DOLE and the CSC shall promote and encourage the establishment of appropriate child minding centers within the workplace, or in accessible locations to the workplace or residence of the solo parent."

Section 10. A new section to be denominated as Section 13 of the same Act is hereby added to read as follows:

"Section 13. Breastfeeding in the Workplace. – In keeping with the policy of the State under Republic Act No. 10028, otherwise known as the 'Expanded Breastfeeding Promotion Act of 2009', the DOLE and the CSC shall continue to encourage working mothers, who are solo parents, to practice breastfeeding in the workplace."

Section 11. A new section to be denominated as Section 14 of the same Act is hereby added to read as follows:

"Section 14. Social Safety Assistance. – During disasters, calamities, pandemics, and other public health crises as

may be declared by the DOH, the solo parents and their children are entitled to social safety assistance such as food, medicines, and financial aid for domicile repair in the LGUs where the solo parents and their children are residing, subject to the guidelines of the DSWD. The LGUs shall ensure that the budget for social safety assistance is included in the calamity funds of LGUs."

Section 12. A new section to be denominated as Section 15 of the same Act is hereby added to read as follows:

"Section 15. Additional Benefits. – A solo parent shall be entitled to the following additional benefits:

- (a) Means-, pension-, and subsidy-tested monthly cash subsidy of One thousand pesos (P1,000.00) per month per solo parent who is earning a minimum wage and below, to be allocated by the concerned city or municipal government in accordance with Section 17(b)(2)(iv) of the Local Government Code: *Provided*, That for fifth (5th) class municipalities and lower, as well as the five hundred (500) municipalities with the highest poverty incidence based on the latest municipal-level small area poverty estimates, cash subsidy allocations may be taken from the Gender and Development (GAD) budget and the amount of cash subsidy per recipient may be dependent on the amount of the GAD budget: *Provided*, further, That the solo parent under this section is not a recipient of any other cash assistance or subsidy from any other government programs: *Provided*, finally, That a beneficiary who is also a senior citizen or a person with disability (PWD) may continue receiving senior citizen or PWD benefits without forfeiting the benefits under this Act;
- (b) A ten percent (10%) discount and exemption from the value-added tax (VAT) on baby's milk, food and micronutrient supplements, and sanitary diapers purchased, duly prescribed medicines, vaccines, and other medical supplements purchased from the birth of the child or children until six (6) years of age of a solo parent who is earning less than Two hundred fifty thousand pesos (P250,000.00) annually, subject to adjustment in accordance with the provisions on the exempt taxable income under the National Internal Revenue Code (NIRC), as amended by Republic Act No. 10963, otherwise known as the "Tax Reform for Acceleration and Inclusion (TRAIN)": *Provided*, That nothing in this section shall violate the provisions of Republic Act No. 10028, otherwise known as the 'Expanded Breastfeeding Promotion Act of 2009';
- (c) Automatic coverage under the National health Insurance Program (NHIP) being administered by the PhilHealth with premium contributions to be paid by the National Government: *Provided*, That the premium contribution of solo parents in the formal economy shall be shared equally by their employees and the National Government;
- (d) Prioritization of solo parents, particularly solo mothers in re-entering the work force, and their children as applicable, in apprenticeships, scholarships, livelihood training, reintegration programs for OFWs, employment information and matching services, and other poverty alleviation programs of the TESDA, DTI, CHED, DepEd, DOLE, DMW and other related government agencies, subject to the standard eligibility and qualifications; and
- (e) Prioritization and allocation in housing projects with liberal terms of payment on government low-cost housing projects in accordance with housing law provisions prioritizing applicants below poverty line as declared by the Philippine Statistics Authority (PSA).

To avail of the additional benefits under this section, the solo parent shall present a Solo Parent Identification Card (SPIC): *Provided*, That in availing the additional benefits under paragraph (2) of this section, the solo parent booklet shall also be presented."

Section 13. A new section to be denominated as Section 16 of the same Act is hereby added to read as follows:

"Section 16. Limitation and Termination of the Benefits of a Solo Parent. – Only a solo parent exercising sole parental care and support of the child or children is entitled to claim the benefits of solo parent under this Act: *Provided*, That a solo parent shall not lose his or her status as solo parent if the other parent provides occasional assistance and/or seasonal gifts that do not meet the legal requirement of support under The Family Code of the Philippines: *Provided*, further, That the absence of a valid and legal marriage between the mother and father of a child or dependent doe snot automatically entitle either individual to the benefits under this Act if the factual circumstances demonstrate that parental care and support are shared.

When a solo parent, as defined under this Act, ceases to be such by reason of change of status and circumstances, the said solo parent shall be ineligible to avail of the benefits under this Act."

Section 14. A new section to be denominated as Section 17 of the same Act is hereby added to read as follows:

Section 17. *The Solo Parents Office or Division.* – There shall be established a Solo Parent Office (SPO) in every province and city and a Solo Parent Division (SPD) under the Municipal Social Welfare and Development Office in every municipality.

The head of the SPO must be a licensed social worker and the head of the SPD must possess a bachelor's degree.

The head of the SPO and SPD shall hold permanent position with at least a Salary Grade 12 and Salary Grade 10, respectively, and shall be appointed by the governor or mayor, as the case may be.

The SPO shall have at least three (3) staff members while the SPD shall have at least one (1) staff member.

The offices of the governor, mayor or social welfare office, as the case may be, shall exercise supervision over the SPO or SPD relative to their plans, programs and activities. The SPO or SPD shall establish linkages and work together with accredited civil society and nongovernmental organizations, political organizations, and the barangays in their respective areas.

The SPO or SPD shall:

- (a) Plan, implement, and monitor yearly work programs in pursuance of the objectives of this Act;
- (b) Draw up a list of available and required services from the solo parents;
- (c) Maintain and regularly update, on a quarterly basis, the list of solo parents and issue free SPIC;
- (d) Issue free booklets to solo parents;
- (e) Serve as a general information and liaison center for solo parents;
- (f) Monitor compliance with the provisions of this Act, particularly the grant of privileges and additional benefits;
- (g) Report to the governor, mayor or office of the social welfare, any individual, establishment, business entity, institution or agency that violates any any provision of this Act;
- (h) Assist the solo parents in filing the complaints against any individual, establishment, business entity, institution or agency that refuses or fails to provide the privileges and additional benefits of solo parents granted under this Act; and
- (i) Provide such other services as may be required under this Act."

Section 15. A new section to be denominated as Section 18 of the same Act is hereby added to read as follows:

Section 18. *Recording and Maintaining a Solo Parents Database.* – The DSWD, in coordination with the DILG, shall establish and maintain a centralized database of all solo parents who have been issued SPIC or booklets by the SPOs and SPDs. To this end, the LGUs shall submit the list of solo parents receiving benefits under this Act to the DSWD on a quarterly basis.

In cases of multiple entries or other badges of fraud, the DSWD shall notify the concerned LGU for its appropriate action."

Section 16. A new section to be denominated as Section 19 of the same Act is hereby added to read as follows:

Section 19. *Documentary Requirements.* – For purposes of registration and issuance of SPIC and booklet, the solo parent shall submit authenticated or certified true copies of the following documents to the SPO or SPD where the solo parent resides:

- (a) For the solo parent with child or children as a consequence of rape falling under Section 4(a)(1) of this Act:
 - (1) Birth certificate/s of the child or children;
 - (2) Complaint affidavit;

(3) Medical record on the incident of rape; and

(4) Sworn affidavit declaring that the solo parent has the sole parental care and support of the child or children at the time of the execution of affidavit: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, only the sworn affidavit shall be submitted every year.

(b) For the solo parent on account of the death of the spouse falling under Section 4(a)(2) of this Act:

(1) Birth certificate/s of the child or children;

(2) Marriage certificate;

(3) Death certificate of the spouse; and

(4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has the sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, only the sworn affidavit shall be submitted every year.

(c) For the solo parent on account of the detention or criminal conviction of the spouse falling under Section 4(a)(3) of this Act:

(1) Birth certificate/s of the child or children;

(2) Marriage certificate;

(3) Certificate of detention or a certification that the spouse is serving sentence for at least three (3) months issued by the law enforcement agency having actual custody of the detained spouse, or commitment order issued by the court pursuant to a conviction of the spouse; and

(4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3) and (4) under this paragraph shall be submitted every year.

(d) For solo parent on account of physical or mental incapacity of the spouse falling under Section 4(a)(4) of this Act:

(1) Birth certificate/s of the child or children;

(2) Marriage certificate or affidavit of cohabitation;

(3) Medical record or medical abstract evidencing the physical or mental state of the incapacitated spouse issued not more than three (3) months before the submission; and

(4) Sworn affidavit that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3) and (4) under this paragraph shall be submitted every year.

(e) For the solo parent on account of legal or de facto separation of spouse falling under Section 4(a)(5) of this Act:

(1) Birth certificate/s of the child or children;

(2) Marriage certificate;

(3) Judicial decree of legal separation of the spouses or, in the case of de facto separation, an affidavit of two (2) disintegrated persons attesting to the fact of separation of the spouses; and

(4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3) and (4) under this paragraph

shall be submitted every year.

(f) For the solo parent on account of declaration of nullity or annulment of marriage falling under Section 4(a)(6) of this Act:

- (1) Birth certificate/s of the child or children;
- (2) Marriage certificate;
- (3) Judicial decree of nullity or annulment of marriage or judicial recognition of foreign divorce; and
- (4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3) and (4) under this paragraph shall be submitted every year.

(g) For the solo parent on account of abandonment by the spouse falling under Section 4(a)(7) of this Act:

- (1) Birth certificate/s of the child or children;
- (2) Marriage certificate or affidavit of the applicant solo parent;
- (3) Affidavit of two (2) disinterested persons attesting to the abandonment of the spouse;
- (4) Police or barangay record of the fact of abandonment; and
- (5) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, only sworn affidavit shall be submitted every year

(h) For the spouse or any family member of an OFW falling under Section 4(b) of this Act:

- (1) Birth certificate/s of the child or children;
- (2) Marriage certificate of the applicant;
- (3) Overseas Employment Certificate (OEC) or its equivalent document;
- (4) Copy of passport stamps showing continuous twelve (12) months of overseas work;
- (5) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3), (4), (5), and (6) under this paragraph shall be submitted every year.

(i) For the unmarried father or mother who keeps and rears the child or children falling under Section 4(c) of this Act:

- (1) Birth certificate/s of the child or children;
- (2) Certificate of No Marriage (CENOMAR);
- (3) Affidavit of a barangay official attesting that the solo parent is a resident of the barangay and that the children are under the parental care and support of the applicant solo parent; and
- (4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, requirement numbers (2), (3) and (4) under this paragraph shall be submitted every year.

(j) For the solo parent who is a legal guardian, adoptive or foster parent falling under Section 4(d) of this Act:

- (1) Birth certificate/s of the child or children;
- (2) Proof of guardianship, foster care or adoption;
- (3) Affidavit of a barangay official attesting that the solo parent is a resident of the barangay and that the children are under the parental care and support of the applicant solo parent; and
- (4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3) and (4) under this paragraph shall be submitted every year.

(k) For any relative within the fourth (4th) civil degree of consanguinity or affinity of the parent or legal guardian who assumes parental care and support of the child or children falling under Section 4(e) of this Act:

- (1) Birth certificate/s of the child or children;
- (2) Death certificate of the parents or legal guardian, or police or barangay records evidencing the fact of disappearance or absence of the parent or legal guardian for at least six (6) months;
- (3) Affidavit of a barangay official attesting that the solo parent is a resident of the barangay and that the children are under the parental care and support of the applicant solo parent; and
- (4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children: *Provided*, That for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3) and (4) under this paragraph shall be submitted every year.

(l) For the solo parent who is pregnant woman falling under Section 4(f) of this Act:

- (1) Medical record of her pregnancy;
- (2) Affidavit of a barangay official attesting that the solo parent is a resident of the barangay and that the children are under the parental care and support of the applicant solo parent; and
- (3) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children.

(m) For the solo parent availing subsidy and discounts provided for under Section 15, paragraphs (1) and (2) of this Act, the following additional documentary requirements shall be submitted:

- (1) Affidavit of no employment;
- (2) Income Tax Return (ITR);
- (3) Social case study issued by the DSWD; or
- (4) Any verifiable proof of income.

Custodians of the documents, records, data or information shall ensure the utmost confidentiality of the same, in compliance with Republic Act No. 10173, otherwise known as the 'Data Privacy Act of 2012'."

Section 17. A new section to be denominated as Section 20 of the same Act is hereby added to read as follows:

"Section 20. SPIC and Booklet. – The SPO of the province or city, or the SPD of the municipality shall review and verify the documents submitted by the applicant and shall issue the SPIC and booklet, if applicable, within seven (7) working days from receipt of complete documents. In case of dispute, the Municipal/City/Provincial Social Welfare and Development Office (M/C/PSWDO), as the case may be, shall resolve the same within five (5) working days.

The SPIC and booklet are valid for one (1) year."

Section 18. A new section to be denominated as Section 21 of the same Act is hereby added to read as follows:

“Section 21. *National Solo Parents Day and Week.* – To commemorate the role and significance of every solo parent in the Philippines, the third week and third Saturday of April of every year are hereby declared as Solo Parents Week and National Solo Parents Day, respectively.”

Section 19. A new section to be denominated as Section 22 of the same Act is hereby added to read as follows:

“Section 22. *Abused, Abandoned, or Neglected Solo parents or Solo Parents Who are Victims of Domestic Violence.* – In cases where a solo parent has been abused, abandoned, or neglected by his or her co-parent, he or she may seek the help of the DSWD, which, in turn, shall coordinate with the respective barangay officials and/or police officers assigned in the nearest Philippine National Police station where the abused, abandoned, or neglected parent resides, in order to provide immediate assistance. If the co-parent is gainfully employed, the abused, abandoned, or neglected parent shall have the right to retain a portion of the former’s income, to be agreed upon by both parents or by a valid order issued by a court of competent jurisdiction, for the support of the child.”

Section 20. A new section 23 is hereby inserted to read as follows:

“Section 23. *Special Protections for Adolescent Solo Parents.* – In addition to the provisions of this Act, adolescent solo parents, including victims of child marriages, shall also be provided with assistance from the DSWD and the DOH which may include counseling and psycho-social services, and from the DepEd, CHED, and TESDA in the form of home-based, in-school, or technical education, as warranted.”

Section 21. A new section to be denominated as Section 24 of the same Act is hereby added to read as follows:

“Section 24. *Inter-Agency Coordinating and Monitoring Committee.* – An Inter-Agency Coordinating and Monitoring Committee (IACMC) is hereby established and is composed of the following:

- (a) Chairperson – Secretary of the Social Welfare and Development;
- (b) Vice-Chairperson – Secretary of the Interior and Local Government;
- (c) Members:
 - (1) Secretary of Finance;
 - (2) Secretary of Health;
 - (3) Secretary of Education;
 - (4) Secretary of Labor and Employment;
 - (5) Secretary of Trade and Industry;
 - (6) Secretary of Justice;
 - (7) Secretary of DMW;
 - (8) Chairperson of CHED;
 - (9) Chairperson of CSC;
 - (10) Chairperson of PCW;
 - (11) Director General of NEDA;
 - (12) Director General of TESDA;
 - (13) General Manager of NHA;
 - (14) President of PhilHealth;
 - (15) Representative of ULAP; and

(16) Representative of civil society and nongovernmental organizations with recognized credentials in providing services to solo parents to be appointed by the Secretary of the DSWD.

The Chairperson, Vice-Chairperson and members of the IACMC shall meet quarterly and shall submit a report to Congress on the implementation of this Act every three (3) years from the establishment of the IACMC. They may designate their respective representatives who must have at least a rank of Assistant Secretary or its equivalent.

The IACMC shall accurately gather demographic data on the solo parents and their children, by utilizing the Community-based Monitoring System (CBMS) under Republic Act No. 11315, otherwise known as the 'Community-Based Monitoring Systems Act'. The PSA shall conduct every four (4) years an updated demographic survey on solo parents and their children."

Section 22. A new section to be denominated as Section 25 of the same Act is hereby added to read as follows:

"Section 25. Joint Congressional Oversight Committee on Solo Parents. - There is hereby created a Joint Congressional Oversight Committee on Solo Parents (JCO CSP), to monitor the implementation of this Act. The JCO CSP shall set the overall framework for reviewing the implementation of this Act, determining inherent vulnerabilities in the law, and recommending the necessary legislative or executive measures.

The JCO CSP shall be composed of five (5) senators and five (5) representatives to be appointed by the Senate President and House Speaker, respectively. The JCO CSP shall be co-chaired by the Chairpersons of the Committee on Revisions of Laws of the House of Representatives and the Committee on Women, Children, Family Relations and Gender Equality of the Senate."

Section 23. A new section to be denominated as Section 26 of the same Act is hereby added to read as follows:

"Section 26. Prohibited Acts and Penalties. - (a) Any person, corporation, entity or agency that refuses or fails to provide the benefits granted to the solo parent in violation of this Act shall suffer the following penalties:

(1) For the first violation - a fine of not less than Ten thousand pesos (P10,000.00) but not more than Fifty thousand pesos (P50,000.00) or imprisonment of not less than six (6) months but not more than one (1) year, or both, at the discretion of the court.

(2) For any subsequent violation - a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) or imprisonment of not less than one (1) year but not more than two (2) years, or both at the discretion of the court.

If the offender is a corporation, partnership, organization or any similar entity, the officials and employees who directly participated in the violation/s shall be held liable.

The proper authorities may, after due notice and hearing, also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any business that fails to abide by the provisions of this Act.

If the offender is a foreigner, the foreigner shall be deported immediately after service of sentence without further deportation proceedings.

(b) Any person who misrepresents status or falsifies any document to avail of the benefits, or cause another person to avail or be denied of the benefits provided under this Act, or any person who abuses the privileges and benefits granted herein shall be punished with a fine of not more than Fifty thousand pesos (P50,000.00) and imprisonment of not less than six (6) months but not more than one (1) year, or both, at the discretion of the court.

When the offender or the person responsible for the offenses punishable under paragraphs (a) and (b) of this section is a public officer or employee as defined in Executive Order No. 292, or the 'Administrative Code of 1987', and the offense was committed in the exercise of official duties, such officer or employee shall suffer the penalty of removal from office and perpetual disqualification from holding public office, in addition to the penalty provided in the preceding paragraph.

The penalties under this Act shall be without prejudice to the imposition of higher penalties existing under other laws."

Section 24. Section 13 of the same Act is hereby amended and renumbered as Section 27, to read as follows:

"Section 27. Implementing Rules and Regulations. - Within ninety (90) days from the approval of this Act, the Secretary

of Social Welfare and Development shall, in consultation and coordination with the members of the IACMC, as provided for under Section 24 of this Act, issue the necessary rules and regulations for the effective implementation of this Act."

Section 25. Section 14 of the same Act is hereby amended and renumbered as Section 28, to read as follows:

"Section 28. Appropriations. - The amount necessary to carry out the provisions of this Act shall be included in the budget of the concerned government agencies in the General Appropriations Act (GAA).

Government agencies and LGUs may also utilize a portion of their respective GAD budget to implement this Act anchored on the guidelines issued by the Department of Budget and Management, NEDA and PCW."

Section 26. Section 15 and 16 of the same Act shall be renumbered as hereby renumbered in this Act as Sections 29 and 30, respectively.

Section 27. Section 17 of the same Act is hereby amended and renumbered as Section 31, to read as follows:

"Section 31. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

105-Day Expanded Maternity Leave Law

RA No. 11210

Enacted on February 20, 2019, to enhance maternity benefits for female workers in the country. This law extends the duration of paid maternity leave and provides additional support for solo mothers, aligning with international labor standards and promoting the welfare of working women.

KEY PROVISIONS

- **Extended Maternity Leave:** All covered female workers in the government and private sectors, including those in the informal economy, are entitled to 105 days of fully paid maternity leave, regardless of civil status or the legitimacy of the child.
- **Additional Leave for Solo Mothers:** Solo mothers, as defined under the Solo Parents' Welfare Act (Republic Act No. 8972), are granted an additional 15 days of fully paid maternity leave.
- **Option to Extend Leave:** Female workers have the option to extend their maternity leave for an additional 30 days without pay.
- **Miscarriage or Emergency Termination of Pregnancy:** In cases of miscarriage or emergency termination of pregnancy, female workers are entitled to 60 days of fully paid maternity leave.
- **Salary Differential:** Employers are required to pay the salary differential, which is the difference between the Social Security System (SSS) maternity benefit and the employee's regular salary, ensuring that the employee receives full pay during the maternity leave period.
- **Transfer of Leave:** Seven days of the maternity leave may be transferred to the child's father or an alternate caregiver, provided that the mother consents.
- **Job Security:** The law prohibits employers from dismissing female workers or discriminating against them for availing of maternity leave benefits.
- **Penalties for Non-Compliance:** Employers who fail to comply with the provisions of the law may face fines ranging from P20,000 to P200,000 or imprisonment from six years and one day to twelve years, or both.



**Seventeenth Congress
Third Regular Session**

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

REPUBLIC ACT No. 11210

An Act Increasing the Maternity Leave Period to One Hundred Five (105) Days for Female Workers With an Option to Extend for an Additional Thirty (30) Days Without Pay, and Granting an Additional Fifteen (15) Days for Solo Mothers, and for Other Purposes

Be it enacted by the Senate and House of Representatives of the Philippine Congress Assembled:

Section 1. Short Title. – This Act shall be known and cited as the **“105-Day Expanded Maternity Leave Law”**.

Section 2. Declaration of Policy. – It is the declared policy of the State under Article XIII, Section 14 of the 1987 Constitution to protect and promote the rights and welfare of working women, taking into account their maternal functions, and to provide an enabling environment in which their full potential can be achieved.

Article II, State Policies, Section 12 of the 1987 Constitution provides that the State recognizes the sanctity of family life and shall protect and strengthen the family as the basic autonomous social institution and that it shall equally protect the life of the mother and the life of the unborn from conception. Moreover, Sections 17 and 22 of Republic Act No. 9710, otherwise known as “The Magna Carta of Women”, provides for women’s rights to health and decent work.

To achieve these, and in recognition of women’s maternal function as a social responsibility, the State shall institutionalize a mechanism to expand the maternity leave period of women workers. This will provide them with ample transition time to regain health and overall wellness as well as to assume maternal roles before resuming paid work. This Act is consistent with local and international legal instruments that protect and promote the rights of women.

Section 3. Grant of Maternity Leave.– All covered female workers in government and the private sector, including those in the informal economy, regardless of civil status or the legitimacy of her child, shall be granted one hundred five (105) days maternity leave with full pay and an option to extend for an additional thirty (30) days without pay: *Provided*, That in case the worker qualifies as a solo parent under Republic Act No. 8972, or the “Solo Parents’ Welfare Act”, the worker shall be granted an additional fifteen (15) days maternity leave with full pay.

Enjoyment of maternity leave cannot be deferred but should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner, not exceeding one hundred five (105) days, as the case may be.

Maternity leave shall be granted to female workers in every instance of pregnancy, miscarriage or emergency termination of pregnancy, regardless of frequency: *Provided*, That for cases of miscarriage or emergency termination of pregnancy, sixty (60) days maternity leave with full pay shall be granted.

Section 4. Maternity Leave for Female Workers in the Public Sector.– Any pregnant female worker in the government service, regardless of employment status, in National Government Agencies (NGAs), Local Government Units (LGUs), Government-Owned or -Controlled Corporations (GOCCs), or State Universities and Colleges (SUCs), shall be granted a maternity leave of one hundred five (105) days with full pay regardless if the delivery was normal or caesarian: *Provided*, That, in case the employee qualifies as a solo parent under Republic Act No. 8972, or the “Solo Parents’ Welfare Act”, the employee shall be paid an additional maternity benefit of fifteen (15) days. An additional maternity leave of thirty (30) days, without pay, can be availed of, at the option of the female worker: *Provided, further*, That, the head of the agency shall be given due notice, in writing, at least forty-five (45) days before the end of her maternity leave: *Provided, finally*, That no prior notice shall be necessary in the event of a medical emergency but subsequent notice shall be given to the head of the agency.

Maternity leave of sixty (60) days, with full pay, shall be granted for miscarriage or emergency termination of pregnancy.

Section 5. Maternity Leave for Female Workers in the Private Sector.– Any pregnant female worker in the private sector shall be granted a maternity leave of one hundred five (105) days with full pay, regardless of whether she gave birth via caesarian section or natural delivery, while maternity leave of sixty (60) days with full pay shall be granted for miscarriage or emergency termination of pregnancy.

(a) A female Social Security System (SSS) member who has paid at least three (3) monthly contributions in the twelve (12)-month period immediately preceding the semester of her childbirth, miscarriage, or emergency ter-

mination of pregnancy shall be paid her daily maternity benefit which shall be computed based on her average monthly salary credit for one hundred five (105) days, regardless of whether she gave birth via caesarian section or natural delivery, subject to the following conditions:

- (1) That the female worker shall have notified her employer of her pregnancy and the probable date of her childbirth, which notice shall be transmitted to the SSS in accordance with the rules and regulations it may provide;
- (2) That the full payment shall be advanced by the employer within thirty (30) days from the filing of the maternity leave application;
- (3) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided under Republic Act No. 1161, as amended, for the same period for which daily maternity benefits have been received;
- (4) That the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the female worker by the employer upon receipt of satisfactory and legal proof of such payment; and
- (5) That if a female worker should give birth or suffer a miscarriage or emergency termination of pregnancy without the required contributions having been remitted for her by her employer to the SSS, or without the latter having been previously notified by the employer of the time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said female member would otherwise have been entitled to.

In case the employee qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the employee shall be paid an additional maternity benefit of fifteen (15) days.

(b) An additional maternity leave of thirty (30) days, without pay, can be availed of, at the option of the female worker: *Provided*, That the employer shall be given due notice, in writing, at least forty-five (45) days before the end of her maternity leave: *Provided, further*, That no prior notice shall be necessary in the event of a medical emergency but subsequent notice shall be given to the head of the agency.

(c) Workers availing of the maternity leave period and benefits must receive their full pay. Employers from the private sector shall be responsible for payment of the salary differential between the actual cash benefits received from the SSS by the covered female workers and their average weekly or regular wages, for the entire duration of the maternity leave, with the following exceptions, subject to the guidelines to be issued by the Department of Labor and Employment (DOLE):

- (1) Those operating distressed establishments;
- (2) Those retail/service establishments and other enterprises employing not more than ten (10) workers;
- (3) Those considered as micro-business enterprises and engaged in the production, processing, or manufacturing of products or commodities including agro-processing, trading, and services, whose total assets are not more than Three million pesos (₱3,000,000.00); and
- (4) Those who are already providing similar or more than the benefits herein provided.

Provided, That said exemptions shall be subject to an annual submission of a justification by the employer claiming exemption for the approval of the DOLE.

Section 6. Allocation of Maternity Leave Credits.— Any female worker entitled to maternity leave benefits as provided for herein may, at her option, allocate up to seven (7) days of said benefits to the child's father, whether or not the same is married to the female worker: *Provided*, That in the death, absence, or incapacity of the former, the benefit may be allocated to an alternate caregiver who may be a relative within the fourth degree of consanguinity or the current partner of the female worker sharing the same household, upon the election of the mother taking into account the best interests of the child: *Provided, further*, That written notice thereof is provided to the employers of the female worker and alternate caregiver: *Provided, furthermore*, That this benefit is over and above that which is provided under Republic Act No. 8187, or the "Paternity Leave Act of 1996": *Provided, finally*, That in the event the beneficiary female worker dies or is permanently incapacitated, the balance of her maternity leave benefits shall accrue to the father of the child or to a qualified caregiver as provided above.

Section 7. Maternity Leave for Women Regardless of Civil Status.— All female workers in the government and female members of the SSS, regardless of their civil status, shall be granted maternity leave, with full pay, upon compliance with the preceding section.

Section 8. Maternity Leave With Pay in Case of Childbirth, Miscarriage, or Emergency Termination of Pregnancy After the Termination of an Employee's Service.— Maternity leave with full pay shall be granted even if the childbirth, miscarriage, or emergency termination of pregnancy occurs not more than fifteen (15) calendar days after the termination of an employee's service, as her right thereto has already accrued: *Provided*, That such period is not applicable when the employment of the pregnant woman worker has been terminated without just cause, in which case the employer will pay her the full amount equivalent to her salary for one hundred five (105) days for childbirth and sixty (60) days for miscarriage or emergency termination of pregnancy based on her full pay, in addition to the other applicable daily cash maternity benefits that she should have received had her employment not been illegally terminated.

Section 9. Maternity Leave Credits.— The maternity leave can be credited as combinations of prenatal and postnatal leave as long as it does not exceed one hundred five (105) days and provided that compulsory postnatal leave shall not be less than sixty (60) days.

Section 10. Maternity Leave Benefits for Women in the Informal Economy and Voluntary Contributors to the SSS.— Maternity benefits shall cover all married and unmarried women, including female workers in the informal economy.

Female workers in the informal economy are entitled to maternity leave benefits if they have remitted to the SSS at least three (3) monthly contributions in the twelve (12)-month period immediately preceding the semester of her childbirth, miscarriage, or emergency termination of pregnancy.

Section 11. Maternity Benefits for Female Workers Who are Non-Members of the SSS.— Female workers who are neither voluntary nor regular members of the SSS shall be governed by the Philippine Health Insurance Corporation (PhilHealth) Circular No. 022-2014 or the "Social Health Insurance Coverage and Benefits for Women About to Give Birth".

Section 12. Maternity Leave of a Female Worker With Pending Administrative Case. — The maternity leave benefits granted under this Act shall be enjoyed by a female worker in the government service and in the private sector even if she has a pending administrative case.

Section 13. Maternity Leave for Female National Athletes.— In the event a national athlete becomes pregnant, she will be referred to the team physician or an accredited physician of the Philippine Sports Commission (PSC) or an obstetrician-gynecologist to determine her fitness to continue training. She will be allowed to participate in all team-related activities, unless the physician advises that participation is not medically safe or should be limited. Upon medical advice, she shall go on maternity leave until cleared to return to training. She shall continue receiving her allowance and be entitled to the same benefits while on maternity leave prior to childbirth and up to six (6) months after, unless she can resume sooner as advised by her physician, in which case, she will be entitled to the allowance and benefits she had prior to pregnancy: *Provided*, That a female national athlete employed in the public sector shall not receive double compensation or benefits.

Section 14. Non-Diminution of Benefits. — Nothing in this Act shall be construed as to diminish existing maternity benefits currently enjoyed whether or not these are granted under collective bargaining agreements (CBA) or present laws, if the same are more beneficial to the female worker. Any other working arrangement which the female worker shall agree to, during the additional maternity leave period, shall be allowed: *Provided*, That this shall be consented to in writing by the female worker and shall primarily uphold her maternal functions and the requirements of postnatal care.

Section 15. Security of Tenure. — Those who avail of the benefits of this Act, whether in the government service or private sector, shall be assured of security of tenure. As such, the exercise of this option by them shall not be used as basis for demotion in employment or termination. The transfer to a parallel position or reassignment from one organizational unit to another in the same agency or private enterprise shall be allowed: *Provided*, That it shall not involve a reduction in rank, status, salary, or otherwise amount to constructive dismissal. *lawphil*

Section 16. Non-Discrimination. — No employer whether in the public or private sector shall discriminate against the employment of women in order to avoid the benefits provided for in this Act.

Section 17. Periodic Review. — The Civil Service Commission (CSC), the DOLE, the SSS, and the Gender Ombud of the Commission on Human Rights (CHR), in consultation with trade unions, labor organizations, and employers' representatives shall within one (1) month after the effectivity of this Act conduct a review of the maternity leave benefits of female workers in the government service and the private sector, respectively. Thereafter, they shall include maternity leave benefits in their valuation report conducted every four (4) years for the SSS and the DOLE and every three (3) years for

the CSC, or more frequently as may be necessary, with the end in view of meeting the needs of pregnant women and newly-born infants, and improving their welfare.

Section 18. Penalties. - Whoever fails or refuses to comply with the provisions of this Act shall be punished by a fine of not less than Twenty thousand pesos (₱20,000.00) nor more than Two hundred thousand pesos (₱200,000.00), and imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years or both. If the act or omission penalized by this Act shall be committed by an association, partnership, corporation, or any other institution, its managing head, directors, or partners shall be liable to the penalties provided in this Act for the offense.

Failure on the part of any association, partnership, corporation, or private enterprise to comply with the provisions of this Act shall be a ground for non-renewal of business permits.

Section 19. Implementing Rules and Regulations. - The CSC, the DOLE, and the SSS shall issue the necessary rules and regulations for the effective implementation of this Act within sixty (60) days from the effectivity of the same.

Section 20. Separability Clause. - If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

Section 21. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 22. Effectivity. - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation.

Anti-Mail Order Spouse Act

RA No. 10906

Enacted on July 21, 2016, to strengthen measures against unlawful practices of matching Filipinos to foreign nationals for marriage or common-law partnerships, commonly referred to as “mail-order marriages.” This law repealed the earlier Republic Act No. 6955, also known as the “Anti-Mail Order Bride Law.”

KEY PROVISIONS

- **Prohibited Acts:** The law criminalizes engaging in any business or scheme that matches or offers Filipinos to foreign nationals for marriage or common-law partnerships on a mail-order basis or through personal introductions, emails, or websites. It also prohibits the exhibition, advertisement, publication, or distribution of materials promoting such activities.
- **Penalties:** Individuals found guilty of violating the law face imprisonment of 15 years and fines ranging from P500,000 to P1,000,000. If the offense is committed by a syndicate or on a large scale, the penalties increase to 20 years of imprisonment and fines between P2,000,000 and P5,000,000. Accessories to the crime face lesser penalties, and foreign offenders will be deported after serving their sentences.
- **Mandatory Programs for Victims:** The government is tasked with establishing preventive, protective, and rehabilitative programs for victims of unlawful practices related to mail-order marriages
- **Implementing Rules and Regulations:** The Department of Justice (DOJ), in coordination with relevant agencies and NGOs, is required to promulgate the necessary rules and regulations for the effective implementation of this Act within 90 days of its approval.



Sixteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

REPUBLIC ACT No. 10906

An Act Providing Stronger Measures Against Unlawful Practices, Businesses, and Schemes of Matching and Offering Filipinos to Foreign Nationals for Purposes of Marriage of Common Law Partnership, Repealing for the Purpose Republic Act No. 6955, Also Referred to as the "Anti-Mail Order Bride Law"

Be it enacted by the Senate and House of Representatives of the Philippine Congress Assembled:

Section 1. Short Title. – This Act shall be known as the "Anti-Mail Order Spouse Act".

Section 2. Declaration of Policy. – It is hereby declared the policy of the State to protect and guarantee the individual rights of the Filipino people. Towards this end, the State shall prevent the exploitation of Filipinos, and protect them from unlawful practices, businesses, and schemes which offer Filipinos for marriage to unscrupulous foreign nationals and expose them to abuse, exploitation, prostitution, and violent situations.

Section 3. Prohibited Acts. – It shall be unlawful for any person, whether natural or juridical, to commit, directly or indirectly, any of the following acts:

- (a) Engage in any business or scheme for money, profit, material, economic or other consideration which has for its purpose the matching or offering of a Filipino to a foreign national for marriage or common law partnership on a mail-order basis or through personal introduction, email, or websites on the internet;
- (b) Exhibit, advertise, publish, print, or distribute, or cause the exhibition, advertisement, publication, printing, or distribution of brochures, flyers, or propaganda materials which are calculated to promote the prohibited acts in the preceding paragraph, or to post, advertise, or upload such materials through websites on the internet;
- (c) Solicit, enlist, or in any manner, attract or induce any Filipino to become a member in any club or association whose objective is to match Filipino nationals to foreign nationals for the purpose of marriage or common law partnership for a fee; and
- (d) To use the postal service or any website on the internet to promote the prohibited acts under this section.

The above notwithstanding, legitimate dating websites, which have for their purpose connecting individuals with shared interests in order to cultivate personal and dating relationships, are not covered by this Act.

Section 4. Penalties. – Any person found guilty by the court to have committed any of the prohibited acts provided under Section 3 of this Act shall suffer the penalty of imprisonment for fifteen (15) years and a fine of not less than five hundred thousand pesos (₱500,000.00) but not more than one million pesos (₱1,000,000.00).

Any person who shall abet or cooperate in the execution of the prohibited acts mentioned in Section 3 of this Act, by previous or simultaneous acts, shall suffer the same penalty provided in the preceding paragraph.

If the prohibited act is committed by a syndicate or committed on a large scale, the offender shall suffer the penalty of twenty (20) years imprisonment and a fine of not less than two million pesos (₱2,000,000.00) but not more than five million pesos (₱5,000,000.00).

The prohibited act is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another.

The prohibited act is deemed committed on a large scale if committed against three (3) or more persons, individually or as a group. *Iâwphil*

Any person who has knowledge of the commission of the unlawful acts and profits from it, assists the offender to profit from it, without having participated therein, either as a principal or as an accomplice, shall be punished as an accessory to the offense committed and shall suffer the penalty of ten (10) years imprisonment and a fine of not less than one hundred thousand pesos (₱100,000.00) but not more than five hundred thousand pesos (₱500,000.00).

If the offender is a foreigner, the offender shall be immediately deported after serving the sentence and payment of fine and shall be barred permanently from entering the country.

If the offender is a corporation, partnership, association, club, establishment, or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, or any responsible officer who participated in the commission of the prohibited acts or who shall have knowingly permitted or failed to prevent its commission.

The court may also suspend or revoke the license or permit to operate in the Philippines of the advertising agency, newspaper, and magazine publisher, television or radio station, internet websites, or other entities who commit any of the prohibited acts.

Section 5. Confiscation and Forfeiture. – The court shall order the confiscation and forfeiture of all the proceeds and properties derived from the commission of the prohibited act in favor of the government. All awards for damages shall be taken from the personal and separate properties of the offender and if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

When the proceeds, properties, and instruments of the offense have been destroyed, diminished in value, or otherwise rendered worthless by any act or omission, directly or indirectly, by the offender or they have been concealed, removed, converted, or transferred to prevent or avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property, or instruments of the offense.

Section 6. Mandatory Programs. – The government shall establish and implement preventive, protective, and rehabilitative programs for victims of the unlawful acts and practices enumerated in Section 3 of this Act. For this purpose, the following agencies are hereby mandated to implement their respective programs:

(a) Department of Foreign Affairs (DFA) – The DFA shall make available its resources and facilities overseas for victims of mail-order marriage and other similar schemes regardless of their manner of entry to the receiving country. It shall provide Filipino victims overseas with free legal assistance and counsel to pursue legal action against offenders, and represent their interests in any criminal investigation or prosecution. The DFA, in coordination with the Department of Labor and Employment (DOLE), shall likewise provide free temporary shelters and other services to Filipino victims of this Act.

(b) Department of Social Welfare and Development (DSWD) – The DSWD shall implement preventive, protective, and rehabilitative programs for victims. The DSWD, in coordination with the local government units (LGUs), shall likewise provide case management service and develop a system for accreditation among nongovernment organizations (NGOs) for purposes of establishing centers and programs for intervention in various levels of the community. The DSWD shall also provide the following basic services to victims:

- (1) Temporary shelter or housing and food;
- (2) Psychological support and counseling;
- (3) Twenty-four (24)-hour call center for crisis calls and technology-based counseling and referral system;
- (4) Assistance in coordination with local law enforcement entities; and
- (5) Assistance in coordination with the Department of Justice, among others.

(c) Department of Justice (DOJ) – The DOJ shall ensure the prosecution of the persons accused of violating this Act. It shall also establish a mechanism for free legal assistance for victims in coordination with the DSWD, the Integrated Bar of the Philippines, and other NGOs and volunteer groups.

(d) Philippine Commission on Women (PCW) – The PCW shall, in coordination with relevant government agencies, actively participate in the formulating and monitoring of policies addressing the issue of mail-order marriages and other similar practices. It shall likewise advocate for the inclusion of the issue of mail-order marriages and other similar schemes in both local and international advocacy for women issues.

(e) Commission of Filipino Overseas (CFO) – The CFO shall conduct pre-departure counseling services for Filipinos who have contracted marriages with partners from other countries with different cultures, faiths, and religious beliefs. It shall develop a system for accreditation of NGOs that may be mobilized for purposes of conducting pre-departure counseling services for Filipinos in intermarriages. The CFO shall ensure that the counselors contemplated under this Act shall have the minimum qualifications and training required by law.

Further, the CFO shall collect and analyze pertinent data, statistics, and conduct case studies and research on mail-order spouses. It shall come up with essential analysis and papers to guide concerned agencies in formulating policies. It shall

likewise assist in the conduct of information campaigns against unlawful acts under this Act and other similar schemes in coordination with LGUs, the Philippine Information Agency, and NGOs.

Section 7. Venue. – A criminal action arising from the violation of this Act shall be filed in the place where the offense was committed, where any of its elements occurred, or where the victim actually resides. The court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Section 8. Implementing Rules and Regulations. – Within ninety (90) days from the approval of this Act, the DOJ shall, in coordination with the DFA, DSWD, CFO, the PCW, and NGOs which are engaged in assisting victims of mail-order marriages and other schemes, promulgate the necessary rules and regulations for the effective implementation of this Act.

Section 9. Separability Clause. – If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

Section 10. Repealing Clause. – Republic Act No. 6955, also referred to as the "Anti-Mail Order Bride Law", is hereby repealed. All other laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 11. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Anti-Photo and Video Voyeurism Act

RA No. 9995

Signed on February 15, 2010 to criminalize the unauthorized recording, reproduction, and distribution of intimate images or videos, aiming to protect individuals' privacy and dignity in the digital age.

KEY PROVISIONS

- **Criminalizes** unauthorized recording or distribution of private acts or areas without consent, even if initial consent was given.
- **Prohibited acts include:**
 - Capturing images/videos of sexual acts or private areas without consent.
 - Reproducing, selling, or distributing such content.
 - Publishing or broadcasting such content through any medium.
- **Penalties:**
 - Imprisonment: 3 to 7 years.
 - Fines: P100,000 to P500,000.
 - Additional penalties for media entities, public officers, or foreign offenders.
- **Exemption:** Law enforcement may use such materials as evidence with a court order.



Fourteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.

REPUBLIC ACT No. 9995

AN ACT DEFINING AND PENALIZING THE CRIME OF PHOTO AND VIDEO VOYEURISM, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:

Section 1. Short Title. – This Act shall be known as the “**Anti-Photo and Video Voyeurism Act of 2009**”.

Section 2. Declaration of Policy. – The State values the dignity and privacy of every human person and guarantees full respect for human rights. Toward this end, the State shall penalize acts that would destroy the honor, dignity and integrity of a person.

Section 3. Definition of Terms. – For purposes of this Act, the term:

- (a) “Broadcast” means to make public, by any means, a visual image with the intent that it be viewed by a person or persons.
- (b) “Capture” with respect to an image, means to videotape, photograph, film, record by any means, or broadcast.
- (c) “Female breast” means any portion of the female breast.
- (d) “Photo or video voyeurism” means the act of taking photo or video coverage of a person or group of persons performing sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter's consent, under circumstances in which such person/s has/have a reasonable expectation of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such sexual act or similar activity through VCD/DVD, internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of same was given by such person's.
- (e) “Private area of a person” means the naked or undergarment clad genitals, public area, buttocks or female breast of an individual.
- (f) “Under circumstances in which a person has a reasonable expectation of privacy” means believe that he/she could disrobe in privacy, without being concerned that an image or a private area of the person was being captured; or circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public, regardless of whether that person is in a public or private place.

Section 4. Prohibited Acts. – It is hereby prohibited and declared unlawful for any person:

- (a) To take photo or video coverage of a person or group of persons performing sexual act or any similar activity or to capture an image of the private area of a person/s such as the naked or undergarment clad genitals, public area, buttocks or female breast without the consent of the person/s involved and under circumstances in which the person/s has/have a reasonable expectation of privacy;
- (b) To copy or reproduce, or to cause to be copied or reproduced, such photo or video or recording of sexual act or any similar activity with or without consideration;
- (c) To sell or distribute, or cause to be sold or distributed, such photo or video or recording of sexual act, whether it be the original copy or reproduction thereof; or
- (d) To publish or broadcast, or cause to be published or broadcast, whether in print or broadcast media, or show or exhibit the photo or video coverage or recordings of such sexual act or any similar activity through VCD/DVD, internet, cellular phones and other similar means or device.

The prohibition under paragraphs (b), (c) and (d) shall apply notwithstanding that consent to record or take photo or video coverage of the same was given by such person/s. Any person who violates this provision shall be liable for photo or video voyeurism as defined herein.

Section 5. Penalties. – The penalty of imprisonment of not less than three (3) years but not more than seven (7) years and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of violating Section 4 of this Act.

If the violator is a juridical person, its license or franchise shall be automatically be deemed revoked and the persons liable shall be the officers thereof including the editor and reporter in the case of print media, and the station manager, editor and broadcaster in the case of a broadcast media.

If the offender is a public officer or employee, or a professional, he/she shall be administratively liable.

If the offender is an alien, he/she shall be subject to deportation proceedings after serving his/her sentence and payment of fines.

Section 6. Exemption. – Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, who is authorized by a written order of the court, to use the record or any copy thereof as evidence in any civil, criminal investigation or trial of the crime of photo or video voyeurism: Provided, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he/she may produce, and upon showing that there are reasonable grounds to believe that photo or video voyeurism has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such, crime.

Section 7. Inadmissibility of Evidence. – Any record, photo or video, or copy thereof, obtained or secured by any person in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation. *lavvphil*

Section 8. Separability Clause. – If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

Section 9. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 10. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two(2) newspapers of general circulation.

Anti-Child Pornography Act

RA No. 9775

Enacted on November 17, 2009, to protect children from all forms of child pornography and exploitation.

KEY PROVISIONS

- **Prohibited Acts:** Criminalizes production, distribution, possession, and access to child pornography in any form, including photos, videos, and digital content.
- **Penalties:** Offenders face imprisonment and fines; harsher penalties apply for syndicate involvement.
- **Obligations:** Internet Service Providers (ISPs), content hosts, and business establishments must report and block access to child pornography.
- **Inter-Agency Council:** Established to oversee implementation, enforcement, and support programs for victims.
- **Victim Support:** Mandates preventive, protective, and rehabilitative services for child victims.



**Fourteenth Congress
Third Regular Session**

REPUBLIC ACT No. 9775

AN ACT DEFINING THE CRIME OF CHILD PORNOGRAPHY, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Short Title. - This Act shall be known as the “**Anti-Child Pornography Act of 2009.**”

Section 2. Declaration of Policy. - The State recognizes the vital role of the youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual, emotional, psychological and social well-being. Towards this end, the State shall:

- (a) Guarantee the fundamental rights of every child from all forms of neglect, cruelty and other conditions prejudicial to his/her development;
- (b) Protect every child from all forms of exploitation and abuse including, but not limited to:
 - (1) the use of a child in pornographic performances and materials; and
 - (2) the inducement or coercion of a child to engage or be involved in pornography through whatever means; and
- (c) Comply with international treaties to which the Philippines is a signatory or a State party concerning the rights of children which include, but not limited to, the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the International Labor Organization (ILO) Convention No.182 on the Elimination of the Worst Forms of Child Labor and the Convention Against Transnational Organized Crime.

Section 3. Definition of Terms. -

(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.

For the purpose of this Act, a child shall also refer to:

- (1) a person regardless of age who is presented, depicted or portrayed as a child as defined herein; and
 - (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) “Explicit Sexual Activity” includes actual or simulated -
- (1) As to form:
 - (i) 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;
 - (2) bestiality;
 - (3) masturbation;
 - (4) sadistic or masochistic abuse;
 - (5) lascivious exhibition of the genitals, buttocks, breasts, pubic area and/or anus; or
 - (6) use of any object or instrument for lascivious acts

- (d) "Internet address" refers to a website, bulletin board service, internet chat room or news group, or any other internet or shared network protocol address.
- (e) "Internet cafe or kiosk" refers to an establishment that offers or proposes to offer services to the public for the use of its computer /s or computer system for the purpose of accessing the internet, computer games or related services.
- (f) "Internet content host" refers to a person who hosts or who proposes to host internet content in the Philippines.
- (g) "Internet service provider (ISP)" refers to a person or entity that supplies or proposes to supply, an internet carriage service to the public.
- (h) "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.
- (i) "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 child pornography.(2) Bestiality;
- (j) "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.
- (k) "Person" refers to any natural or juridical entity.

Section 4. Unlawful or Prohibited Acts. – It shall be unlawful for any person:

- (a) To hire, employ, use, persuade, induce or coerce a child to perform in the creation or production of any form of child pornography;
- (b) To produce, direct, manufacture or create any form of child pornography;
- (c) To publish offer, transmit, sell, distribute, broadcast, advertise, promote, export or import any form of child pornography;
- (d) To possess any form of child pornography with the intent to sell, distribute, publish, or broadcast: Provided. That possession of three (3) or more articles of child pornography of the same form shall be prima facie evidence of the intent to sell, distribute, publish or broadcast;
- (e) To knowingly, willfully and intentionally provide a venue for the commission of prohibited acts as, but not limited to, dens, private rooms, cubicles, cinemas, houses or in establishments purporting to be a legitimate business;
- (f) For film distributors, theaters and telecommunication companies, by themselves or in cooperation with other entities, to distribute any form of child pornography;
- (g) 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 child pornography;
- (h) To engage in the luring or grooming of a child;
- (i) To engage in pandering of any form of child pornography;
- (j) To willfully access any form of child pornography;
- (k) To conspire to commit any of the prohibited acts stated in this section. Conspiracy to commit any form of child pornography 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
- (l) To possess any form of child pornography.

Section 5. *Syndicated Child Pornography* - The crime of child pornography is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another and shall be punished under Section 15(a) of this Act.

Section 6. *Who May File a Complaint*. - Complaints on cases of any form of child pornography and other offenses punishable under this Act may be filed by the following:

- (a) Offended party;
- (b) Parents or guardians;
- (c) Ascendant or collateral relative within the third degree of consanguinity;
- (d) Officer, social worker or representative of a licensed child-caring institution;
- (e) Officer or social worker of the Department of Social Welfare and Development (DSWD);
- (f) Local social welfare development officer;
- (g) Barangay chairman;
- (h) Any law enforcement officer;
- (i) At least three (3) concerned responsible citizens residing in the place where the violation occurred; or
- (j) Any person who has personal knowledge of the circumstances of the commission of any offense under this Act.

Section 7. *Appointment of Special Prosecutors*. - The Department of Justice (DOJ) shall appoint or designate special prosecutors to prosecute cases for the violation of this Act.

Section 8. *Jurisdiction*. - Jurisdiction over cases for the violation of this Act shall be vested in the Family Court which has territorial jurisdiction over the place where the offense or any of its essential elements was committed pursuant to Republic Act No. 8369, otherwise known as "Family Courts Act of 1997".

Section 9. *Duties of an Internet Service Provider (ISP)*. - All internet service providers (ISPs) shall notify the Philippine National Police (PNP) or the National Bureau of Investigation (NBI) within seven (7) days from obtaining facts and circumstances that any form of child pornography is being committed using its server or facility. Nothing in this section may be construed to require an ISP to engage in the monitoring of any user, subscriber or customer, or the content of any communication of any such person: *Provided*, That no ISP shall be held civilly liable for damages on account of any notice given in good faith in compliance with this section.

Furthermore, an ISP shall preserve such evidence for purpose of investigation and prosecution by relevant authorities.

An ISP 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 pornography.

All ISPs shall install available technology, program or software to ensure that access to or transmittal of any form of child pornography will be blocked or filtered.

An ISP who shall knowingly, willfully and intentionally violate this provision shall be subject to the penalty provided under Section 15(k) of this Act.

The National Telecommunications Commission (NTC) shall promulgate within ninety (90) days from the effectivity of this Act the necessary rules and regulations for the implementation of this provision which shall include, among others, the installation of filtering software that will block access to or transmission of any form of the child pornography.

Section 10. *Responsibility of Mall Owners/Operators and Owners or Lessors of Other Business Establishments*. - All mall owners/operators and owners or lessors of other business establishments shall notify the PNP or the NBI within seven (7) days from obtaining facts and circumstances that child pornography is being committed in their premises. *Provided*, That public display of any form of child pornography within their premises is a conclusive presumption of the knowledge of the mall owners/operators and owners or lessors of other business establishments of the violation of this Act: *Provided, further*, That a disputable presumption of knowledge by mall owners/operators and owners or lessors of other business establishments should know or reasonably know that a violation of this Act is being

committed in their premises.

Photo developers, information technology professionals, credit card companies and banks and any person who has direct knowledge of any form of child pornography activities shall have the duty to report any suspected child pornography materials or transactions to the proper authorities within seven (7) days from discovery thereof.

Any willful and intentional violation of this provision shall be subject to the penalty provided under Section 15(l) of this Act.

Section 11. Duties of an Internet Content Host. – An internet content host shall:

- (a) Not host any form of child pornography on its internet address;
- (b) Within seven (7) days, report the presence of any form of child pornography, 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
- (c) 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 pornography.

An internet content host who shall knowingly, willfully and intentionally violate this provision shall be subject to the penalty provided under Section 15(j) of this Act: Provided, That the failure of the internet content host to remove any form of child pornography within forty-eight (48) hours from receiving the notice that any form of child pornography is hitting its server shall be conclusive evidence of willful and intentional violation thereof.

Section 12. Authority to Regulate Internet Café or Kiosk. – The local government unit (LGU) of the city or municipality where an internet café or kiosk is located shall have the authority to monitor and regulate the establishment and operation of the same or similar establishments in order to prevent violation of the provisions of this Act.

Section 13. 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 Act. Towards 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:
 - (1) Members of the court staff for administrative use;
 - (2) The prosecuting attorney;
 - (3) Defense counsel;
 - (4) The guardian *ad litem*;
 - (5) Agents of investigating law enforcement agencies and
 - (6) Other persons as determined by the court.
- (d) Any form of child pornography that is part of the court records shall be subject to a protective order that provides as follows:
 - (1) Any form of child pornography may be viewed only by the parties, their counsel, their expert witness and guardian *ad litem*;
 - (2) Neither form of child pornography nor any portion thereof shall be divulged to any other person, except as necessary for investigation, prosecution or trial; and

(3) No person shall be granted access to any form of child pornography 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 pornography.

Any violation of this provision shall be subject to the penalty provided for under Section 15(m) of this Act.

Section 14. Care, Custody and Treatment of a Child Victim. – The DSWD shall ensure that the child who is a victim of any form of child pornography is provided appropriate care, custody and support for their recovery and reintegration in accordance with existing laws.

The child and his family shall be entitled to protection as well as to the rights and benefits of witnesses under [Republic Act No. 6981](#), otherwise known as “The Witness Protection, Security and Benefit Act”.

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 for Other Purposes”, so that the child may claim compensation therein.

Section 15. Penalties and Sanctions. – The following penalties and sanctions are hereby established for offenses enumerated in this Act:

(a) Any person found guilty of syndicated child pornography as defined in Section 5 of this Act shall suffer the penalty of *reclusion perpetua* and a fine of not less than Two million pesos (Php2,000,000.00) but not more than Five million pesos (Php5,000,000.00);

(b) Any person found guilty of violating Section 4(a), (b) and (c) of this Act shall suffer the penalty of *reclusion temporal* in its maximum period and a fine of not less than One million pesos (Php1,000,000.00) but not more than Two million (Php2,000,000.00);

(c) Any person found guilty of violating Section 4(d), (e) and (f) of this Act shall suffer the penalty of *reclusion temporal* in its medium period and a fine of not less than Seven hundred fifty thousand pesos (Php750,000.00) but not more than One million pesos (Php1,000,000.00);

(d) Any person found guilty of violating Section 4(g) of this Act shall suffer the penalty of *reclusion temporal* in its minimum period and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Seven hundred thousand pesos (Php700,000.00);

(e) Any person found guilty of violating Section 4(h) of this Act shall suffer the penalty of *prision mayor* in its maximum period and a fine of not less than Three hundred thousand pesos (Php300,000.00) but not more than Five hundred thousand pesos (Php500,000.00);

(f) Any person found guilty of violating Section 4(I) of this Act shall suffer the penalty of *prision mayor* in its minimum period and a fine of not less than Three hundred thousand pesos (php300,000.00) but not more than Five hundred thousand pesos (Php500,000.00);

(g) Any person found guilty of violating Section 4(j) of this Act shall suffer the penalty of *prision correccional* in its maximum period and a fine of not less than Two hundred thousand pesos (Php200,000.00) but not more than Three hundred thousand pesos (Php300,000.00);

(h) Any person found guilty of violating Section 4(k) of this Act shall suffer the penalty of *prision correccional* in its medium period and a fine of not less than One hundred thousand pesos (php100,000.00) but not more than Two hundred fifty thousand pesos (php250,000.00);

(i) Any person found guilty of violating Section 4(l) of this Act shall suffer the penalty of *arresto mayor* in its minimum period and a fine of not less than Fifty thousand pesos (Php50,000.00) but not more than One hundred thousand pesos (Php100,000.00);

(j) Any person found guilty of violating Section 11 of this Act shall suffer the penalty of *prision correccional* in its medium period and a fine of not less than One million pesos (Php1,000,000.00) but not more than Two million pesos (Php2,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine not less than Two million pesos (Php2,000,000.00) but not more than Three million pesos (Php3,000,000.00) and revocation of its license to operate and immediate closure of the establishment;

(k) Any ISP found guilty of willfully and knowingly failing to comply with the notice and installation requirements under Section 9 of this Act shall suffer the penalty of a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) for the first offense. In case of subsequent offense, the penalty shall be a fine of not less than One million pesos (Php1,000,000.00) but not more than Two million pesos (Php2,000,000.00) and revocation of its license to operate;

(l) Any mall owner-operator and owner or lessor of other business establishments including photo developers, information technology professionals, credit card companies and banks, found guilty of willfully and knowingly failing to comply with the notice requirements under Section 10 of this Act shall suffer the penalty of a fine of not less than One million pesos (Php1,000,000.00) but not more than Two million pesos (Php2,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine of not less than Two million pesos (Php2,000,000.00) but not more than Three million pesos (Php3,000,000.00) and revocation of its license to operate and immediate closure of the establishment; and

(m) Any person found guilty of violating Section 13 of this Act shall suffer the penalty of *arresto mayor* in its minimum period and a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than Three hundred thousand pesos (Php300,000.00).

Section 16. Common Penal Provisions. –

(a) If the offender is a parent, ascendant, guardian, step-parent or collateral relative within the third degree of consanguinity or affinity or any person having control or moral ascendancy over the child, the penalty provided herein shall be in its maximum duration; *Provided*, That this provision shall not apply to Section 4(g) of this Act;

(b) If the offender is a juridical person, the penalty shall be imposed upon the owner, manager, partner, member of the board of directors and/or any responsible officer who participated in the commission of the crime or shall have knowingly permitted or failed to prevent its commissions;

(c) If the offender is a foreigner, he/she shall be immediately deported after the complete service of his/her sentence and shall forever be barred from entering the country; and

(d) The penalty provided for in this Act shall be imposed in its maximum duration if the offender is a public officer or employee.

Section 17. Confiscation and Forfeiture of the Proceeds, Tools and Instruments Used in Child Pornography. – In addition to the penalty imposed for the violation of this Act, 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 property 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 pornography shall accrue to the special account of the DSWD which shall be used exclusively for the implementation of this Act.

When the proceeds, tools and instruments used in the commission of the offense have been destroyed diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has 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. *lavvphil*

Section 18. Mandatory Services to Victims of Child Pornography. – To ensure recovery, rehabilitation and reintegration into the mainstream of society concerned government agencies and the LGUs shall make available the following services to victims of any form of child pornography:

(a) Emergency shelter or appropriate housing;

(b) Counseling;

- (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 adopted and carried out.

Section 19. *Programs for Victims of Child Pornography.* The Inter-Agency Council Against Child Pornography created under Section 20 of this Act shall develop and implement the necessary programs that will prevent any form of child pornography, as well as protect, heal and reintegrate the child into the mainstream of society. Such programs shall include beat 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 18 of this Act;
- (b) Sponsorship of a national research program on any form of child pornography 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 nongovernmental organizations;
- (d) Sponsorship of conferences and seminars to provide venue for consensus building amongst the public, the academe , government, nongovernmental and international organizations and
- (e) Promotion of information and education campaign.

Section 20. *Inter - Agency Council against Child Pornography.* - There is hereby established an Inter-Agency Council against Child Pornography to be composed of the Secretary of the DSWD as chairperson and the following as members:

- (a) Secretary of the Department of Justice;
- (b) Secretary of the Department of Labor and Employment
- (c) Secretary of the Department of Science and Technology
- (d) Chief of the Philippine National Police;
- (e) Chairperson of the Commission on Information and Communications Technology;
- (g) Commissioner of the National Telecommunications Commission;
- (h) Executive Director of the Council for the Welfare of Children;
- (i) Executive Director of the Philippine Center for Transnational Crimes;
- (j) Executive Director of the Optical Media Board;
- (k) Director of the National Bureau of Investigation; and
- (l) Three (3) representatives from children's nongovernmental organizations. These representatives shall be nominated by the government agency representatives of the Council for appointment by the President for a term of three (3) years and may be renewed upon renomination and reappointment by the Council and the President respectively.

The members of the Council mat designate their permanent representatives, who shall have a rank not lower than assistant secretary or its equivalent, to meetings and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.

The DSWD shall establish the necessary Secretariat for the Council.

Section 21. Functions of the Council. - The Council shall have the following powers and functions:

- (a) Formulate comprehensive and integrated plans and programs to prevent and suppress any form of child pornography;
- (b) Promulgate rules and regulations as may be necessary for the effective implementation of this Act;
- (c) Monitor and oversee the strict implementation of this Act;
- (d) Coordinate the programs and projects of the various members agencies effectively address the issues and problems attendant to child pornography;
- (e) Conduct and coordinate massive information disseminations and campaign on the existence of the law and the various issues and problems attendant to child pornography;
- (f) Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on the action taken;
- (g) Assist in the filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act;
- (h) Formulate a program for the reintegration of victims of child pornography;
- (i) Secure from any department, bureau, office, agency or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement this Act;
- (j) Complement the shared government information system relative to child abuse and exploitation and ensure that the proper agencies conduct a continuing research and study on the patterns and schemes of any form of child pornography which form basis for policy formulation and program direction;
- (k) develop the mechanism to ensure the timely, coordinated and effective response to cases of child pornography;
- (l) Recommend measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress any form of child pornography;
- (m) Adopt measures and policies to protect the rights and needs of the victims of child pornography who are foreign nationals in the Philippines;
- (n) maintain a database of cases of child pornography;
- (o) Initiate training programs in identifying and providing the necessary intervention or assistance to victims of child pornography.
- (p) Submit to the President and the Congressional Oversight committee credited herein the annual report on the policies, plans, programs and activities of the Council relative to the implementation of this Act; and
- (q) Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of this Act.

Section 22. Child Pornography as a Transnational Crime. - Pursuant to the Convention on transnational Organized Crime, the DOJ may execute the request of a foreign state for assistance in the investigation or prosecution of any form of child pornography by: (1) conducting a preliminary investigation against the offender and, if appropriate, to file the necessary charges in court; (2) giving information needed by the foreign state; and (3) to apply for an order of forfeiture of any proceeds or monetary instrument or properly located in the Philippines used in connection with child pornography in the court; *Provided*, That if the DOJ refuses to act on the request of for delaying the execution thereof: *Provided*, further, That the principles of mutuality and reciprocity shall, for this purpose, be at all times recognized.

Section 23. Extradition. - The DOJ, in consultation with the Department of Foreign Affairs (DFA), shall endeavor to include child pornography among extraditable offenses in future treaties.

Section 24. Congressional Oversight Committee. - There is hereby created a Congressional Oversight Committee composed of five (5) members from the Senate and five (5) members from the House of Representatives. The members

from the Senate shall be appointed by the Senate President based on proportional representation of the parties or coalition therein with at least one (1) member representing the Minority. The members from the House of Representative shall be appointed by the Speaker, also based on proportional representation of the parties or coalitions therein with the Chair of the House of Committee on Welfare of Children and at least one (1) member representing the Minority

The Committee shall be headed by the respective Chairs of the Senate Committee on Youth, Women and Family relations and the House of Representatives Committee on Justice. The Secretariat of the Congressional Oversight Committee shall come from the existing Secretariat personnel of the Committees of the Senate and the House of Representatives concerned.

The Committee shall monitor and ensure the effective implementation of this Act, determine inherent weakness and loopholes in the law. Recommend the necessary remedial legislator or administrative measures and perform such other duties and functions as may be necessary to attain the objectives of this Act.

Section 25. Appropriations. - The amount necessary to implement the provisions of the Anti-Child Pornography Act and the operationalization of the Inter-Agency Council Against Child Pornography shall be included in the annual General Appropriations Act.

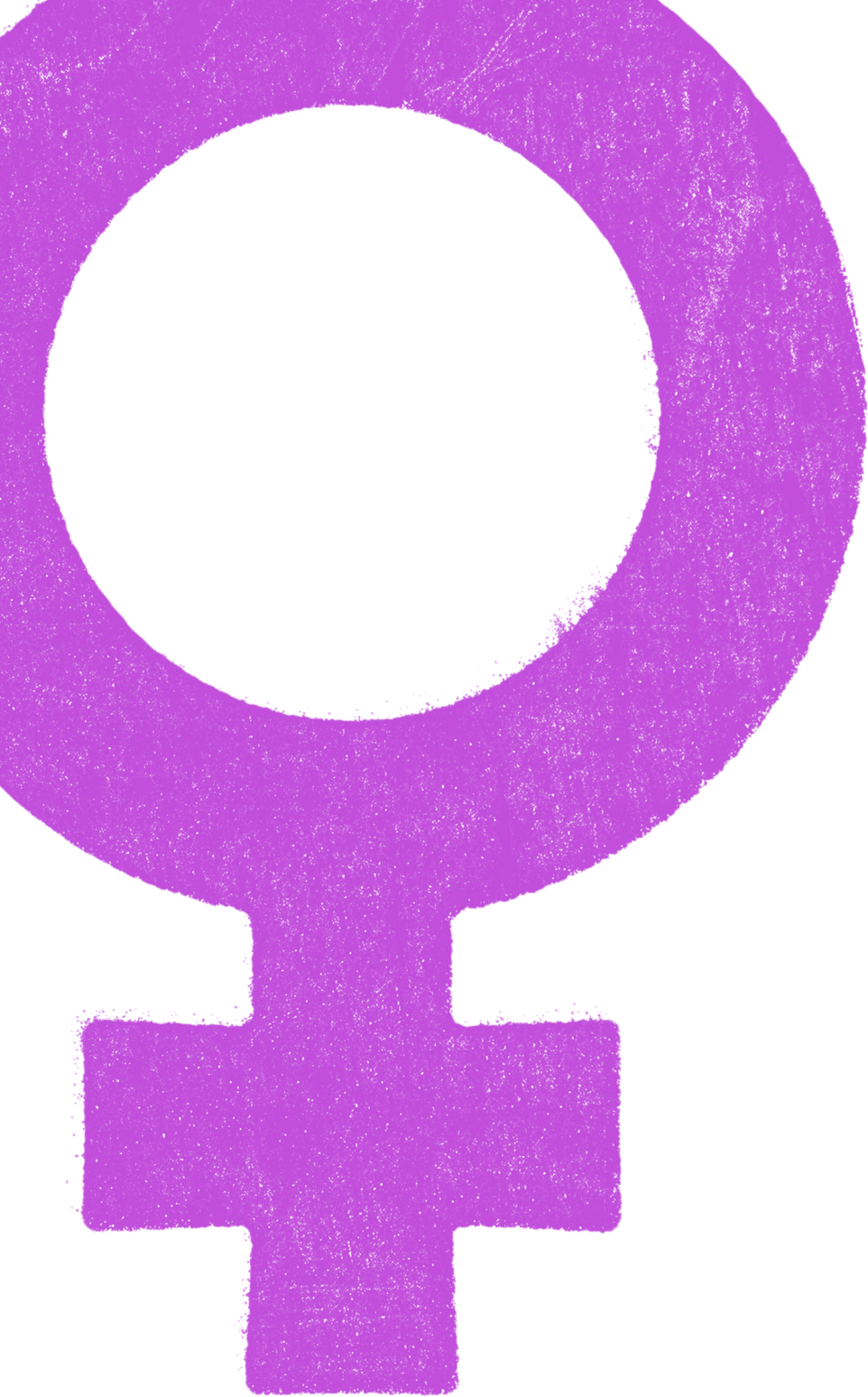
Section 26. Implementing Rules and Regulations. - The Inter-Agency Council Against Child pornography shall promulgate the necessary implementing rules and regulations within ninety (90) days from the effectivity of this Act.

Section 27. Suppletory Application of the Revised Penal Code. - The Revised penal Code shall be suppletorily applicable to this Act.

Section 28. Separability Clause. - If any part of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

Section 29. Repealing Clause. - All laws, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

Section 30. Effectivity. - This Act shall effect after fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.



Part II

Policy Recommendations

From selected presentations during the forum entitled "Strengthening Justice: Assessing and Advancing Anti-Rape Laws in the Philippines" organized by the University of the Philippines Institute of Human Rights (UP IHR) on 8 March 2024, Quezon City, Philippines.

The findings are published in the document *Strengthening Gender Equality in Law: An Analysis of Philippine Legislation*.

Strengthening Laws and Implementation Strategies to Prevent Rape and Sexual Violence

Center for Women's Resources

I. From the concluding observations on the 9th periodic report of the Philippines under Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):

1. REITERATION OF GENERAL RECOMMENDATION NO. 33 (2015) ON WOMEN'S ACCESS TO JUSTICE

- (a) Strengthen the reform of the justice system, ensuring a greater recognition of the status of victims and the introduction of a principle of accountability;
- (b) Ensure that women have access to affordable or, if necessary, free legal aid services, particularly women in rural and remote areas and those belonging to disadvantaged and marginalized groups, and disseminate information on the mechanisms and procedures for seeking remedies for violations of the rights of women and girls;
- (c) Enhance awareness among women and girls, in particular rural women and women and girls with disabilities, of their rights under the Convention and the remedies available to them for claiming those rights, in cooperation with civil society organizations;
- (d) Provide training for the judiciary and law enforcement officials on women's human rights and gender sensitive interrogation and investigation methods and address judicial gender bias

2. RECALLING ITS GENERAL RECOMMENDATION NO. 35 (2017) ON GENDER-BASED VIOLENCE AGAINST WOMEN

- (a) Take necessary measures, including the allocation of financial resources through the barangay, to ensure the full implementation of the Anti-Violence Against Women and their Children Act;
- (b) Adopt comprehensive legislation to ensure that all forms of gender-based violence against women are specifically criminalized and take into account the special protection needs of disadvantaged and marginalized groups of women, including rural women,

women with disabilities, migrant women, older women and lesbian, bisexual, transgender and intersex women;

(c) Intensify awareness-raising for the general public on the criminal nature of all forms of gender-based violence, including domestic and sexual violence, and on the need to enable women to report such cases without fear of reprisals, stigmatization or revictimization;

(d) Ensure that women and girls who are survivors of gender-based violence have access to affordable and, if necessary, free legal aid; relax the burden of proof on complainants; ensure affordable access to forensic evidence; and continue to build the capacity of judges, prosecutors, the police and other law enforcement officers regarding gender sensitive investigation and interrogation methods in cases of gender-based violence;

(e) Strengthen victim support services and protection, including a 24/7 hotline, adequate and accessible shelters, medical treatment, psychosocial counseling and economic support to victims in all parts of the State party.

II. Recommendations and ways forward from the ground up

1. IMPROVING PROTECTIONS AND SUPPORT FOR VICTIM-SURVIVORS

- Provide comprehensive legal assistance and support services to survivors
- Specialized courts that would handle cases of rape and sexual violence
- Measures to protect the privacy and confidentiality of survivors throughout legal proceedings to prevent re-traumatization and stigma

2. CONTINUE BUILDING CAPACITIES OF LAW ENFORCEMENT, JUDICIARY, AND SERVICE PROVIDERS/ FRONTLINERS

- Specialized training for law enforcement officers, prosecutors, and judges on handling rape and

sexual violence cases

- Using victim-centered approach in investigating cases of rape and sexual violence; recognizing the trauma and ensuring that rights and dignity are respected throughout the process to prevent re-traumatization
- Trained in the proper evidence collection, legal procedures and protocols, including arrest procedures and courtroom procedures
- Strengthen vawc desks and rape crisis centers

3. ENHANCE PREVENTION AND AWARENESS

- Challenging feudal patriarchal norms that establishes a power imbalance where men hold more power and privilege than women
- Include age-appropriate comprehensive sex education programs in school curriculums that teach consent, healthy relationships, and respect for boundaries from an early age
- Challenging victim-blaming attitudes that perpetuate rape culture
- Awareness raising not only on rape and sexual violence as a crime, but on the wide-range of women's human rights

4. ALLOCATION OF FUNDING

- To enable the provision of essential support services for survivors
- To provide for the training and capacity building of law enforcement, professionals and frontline workers
- To support the implementation of prevention programs aimed at raising awareness on rape and sexual violence

5. ADDRESS IMPUNITY AND PROMOTE ACCOUNTABILITY

- Enhance (including supporting amendments to laws) and enforce laws that criminalize rape and sexual violence
- Addressing impunity on rape and sexual violence requires a significant amount of political will, especially when perpetrators are in positions of power

6. ENGAGING COMMUNITY WOMEN

- Experiences, insights, perspectives, particularly as some of them may be victim-survivors themselves
- Provide emotional support, validation, solidarity to victim-survivors
- Able identify risk factors and protective factors that contribute to or mitigate the risk of sexual violence within their communities
- Can raise awareness, challenge stigma and misconceptions, and mobilize other community members to take action

7. ADDRESSING STRUCTURAL INEQUALITIES

- Advocate for broader social and economic justice initiatives that address these underlying inequalities
- Provide economic opportunities, public services on health, education, housing
- Ensure decent wages and equal access and control over productive resources; social protection measures

Background of the “The Stronger Protection Against Rape and Sexual Exploitation and Abuse Act of 2022” and the effect of its amendments to “The Anti-Rape Law of 1997”

Gabriela Women's Party

I. BAKIT KAILANGANG AMYENDAHAN ANG REPUBLIC ACT (R.A.) NO. 8353 OR ANTIRAPE LAW?

Ang rape ay itinuturing na isang kriminal na pagkakasala. Ito ay isang kasuklam-suklam na krimen na lubhang nakakaapekto sa mga biktima sa aspetong pisikal, sosyal, emosyonal, at sikolohikal. Ang Republic Act (R.A.) No. 8353 o Anti-Rape Law ay pinasa taong 1997. Pinalawig nito ang depinisyon ng rape sa Revised Penal Code (RPC) at ginawa itong 'crime against persons' mula sa dati'y 'crime against chastity'.

Sa kabila ng relatibong progresibong probisyon ng kasalukuyang batas, kailangan pa ring amyendahan o tanggalin ang ilang mga probisyon nito na hindi nakakatulong sa mga biktima auman ang kasarian, at higit na nagdidiskrimina sa kababaihang biktima ng panggagahasa.

II. INAPRUBAHAN ANG R.A. NO. 11648 NOONG IKA-4 NG MARSO, 2022

“An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape, Amending for the Purpose Act No. 3815 as Amended, Otherwise Known As “The Revised Penal Code, ” Republic Act No. 8353, Also Known as “The Anti-Rape Law of 1997, ” And Republic Act No. 7610, as Amended, Otherwise Known As the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act”

Nanggaling ang R.A. NO. 11648 sa Senate Bill No. 2332 (ipinasa noong ika-15 ng Disyembre, 2021) at House Bill No. 7836 (ipinasa noong ika-14 ng Disyembre, 2021. Ipinasa noong 3rd Regular Session ng 18th Congress.

III. ANO ANG NILALAMAN NG HOUSE BILL (H.B. No. 7836)?

Ang H.B. No. 7836 ay naglalayong palakasin ang mga batas hinggil sa rape at pangaabuso, at partikular na inaamyendahan ang mga probisyon ng Revised Penal Code (RPC) hinggil sa kaso ng panggagahasa, at ang R.A. NO. 6710 o ang Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

Inihain ang mga amyenda bilang aktwal na tugon sa loopholes ng kasalukuyang batas batay sa buhay na karahasan ng mga rape survivors. Noong 18th Congress,

inihain ng GWP ang panukala bilang H.B. No. 480 na naging mahalagang bahagi ng H.B. No. 7836.

1. PAGBABAGO SA DEPINISYON NG RAPE

Pagkilala na maaring mangyari ang rape maging sa mga kalalakihan at miyembro ng LGBTQIA+, bagama't kababaihan pa rin ang mayorya ng biktima (RAPE IS COMMITTED BY ANY PERSON AGAINST ANY PERSON). Ang pagtulong sa panggahasa ay itinuturing na ring RAPE lalo sa kaso ng gang rape (CAUSING THE INSERTION OF A PERSON'S PENIS)

- *“PLACING OR CAUSING THE PLACING of a PERSON'S PENIS... ON THE BREASTS OF ANOTHER PERSON” -- Itinuturing na ring rape*
- *Kapag walang kakayahan o tinanggalan ng kakayahan ang biktima na magbigay ng consent ---> din ito*

2. STATUTORY RAPE

Mula sa kasalukuyang BELOW 12 YEARS OF AGE patungong BELOW 16 YEARS OF AGE

Exemption sa statutory rape/sweetheart clause: Consensual, non-abusive, non-exploitive sexual activity with a minor below 16 y/o IF:

- *A person 15 years of age and age difference is 4 years*
- *A person 14 years of age and age difference is 3 years*
- *A person 13 years of age and age difference is 2 years*

3. PAGDEFINE AT PAGPARUSA SA GROOMING

GROOMING - defined as a predatory conduct, act or pattern of acts, of establishing a relationship, trust or emotional connection personally or via electronic and other similar devices, by any person with a minor under eighteen years of age OR any of the members of family, guardian or caregiver of the minor for the purpose of perpetrating sexual or abuse or exploitation.

When grooming results in the consummation of any of the acts of sexual abuse and exploitation, the person responsible shall be liable for rape.

4. DAGDAG NA AGGRAVATING CIRCUMSTANCES

- 1) When the victim is a child below 13 years old
- 2) When by reason of rape, the victim becomes pregnant
- 3) When the victim has suffered permanent mental or psychological disability
- 4) When the offender used grooming as a means to commit the crime

**Benefits of Good Conduct Time Allowance (GCTA) will not apply under aggravating circumstances*

5. DAGDAG NA PROTEKSYON SA MGA BIKTIMA

Hindi na pinahihintulutan ang pagsusumite ng affidavit of desistance at pag-aareglo sa aumang yugto ng proceedings hinggil sa kaso. Closed door na ang pagdingin sa mga kaso ng rape para pangalagaan ang privacy at pagkakakilanlan ng biktima

6. IBA PANG PROBISYON

Layunin din nitong baguhin ang mga probisyon na naglalayong magbigay ng kapatawaran sa may-sala kung siya'y kasal sa biktima. Hindi na pwedeng maabswelto ang maysala kapag ikinasal siya sa biktima. Nakapaloob din sa panukalang batas ang pagbibigay ng kaalaman at kapangyarihan sa bawat tahanan, paaralan at komunidad na gumawa ng mga hakbang ng makatutulong upang maiwasan magkaroon ng insidente ng 'sexual abuse'.

III. ANO ANG PINAGKAIBA NG S.B. NO. 2332 AT H.B. NO. 7836?

Provisions	HB 7836	SB2332
DEFINITION OF RAPE	committed against ANY PERSON <ul style="list-style-type: none"> • aiding the commission of rape is ALSO RAPE • when victim is incapable or rendered incapable of giving consent lack of consent is presumed in all cases of rape 	person who shall have carnal knowledge of ANOTHER PERSON
STATUTORY RAPE	16 and BELOW	BELOW 16
SWEETHEART CLAUSE	3 YEARS CLOSEIN AGE FOR CONSENSUAL SEXUAL ACTIVITY	LADDERIZED (Exemption to statutory rape) <ul style="list-style-type: none"> • 15 y/o: 4 years age gap • 14 y/o: 3 years age gap • 13 y/o: 2 years age gap <p>CONSENSUAL, NON- ABUSIVE, NONEXPLOITATIVE</p>

ADDITIONAL AGGRAVATING CIRCUMSTANCES	victim is below 13 y/o	NO AMENDMENTS
OTHER PROVISIONS	<ul style="list-style-type: none"> • lack of consent is presumed in all cases of rape • marriage will not extinguish liability • disallows submission of an affidavit of desistance and amicable settlement • confidentiality of rape and sexual abuse cases • defines and penalizes grooming and seduction 	NONE

IV. ANO ANG NAGING PROSESO UPANG MAISABATAS ANG R.A. NO. 11648?

Pagkatapos pumasa ng H.B. No. 7836 sa Kongreso at ng S.B. No. 2332 sa Senado, nilunsad ang isang Bicameral Conference Committee, kung saan miyembro ang kinatawan ng Gabriela Women's Party, upang mapag-isa ang dalawang bersyon ng panukalang batas na isinumite ng Kongreso at Senado. Nagkaroon ng 3 online na pagpupulong para sa diskusyong bicameral.

Pagkatapos pag-isahin ang H.B. No. 7836 at S.B. No. 2332, isinumite ang panukasa sa Office of the President para sa paglagda nito.

1. Ang panukala na ipinasa ay limitado sa pagtaas ng age of consent

MULA 12 YEARS OLD AY NAGING 16 YEARS OLD

EPEKTO: Sa mata ng batas ang batang hindi pa 16 years old ay walang kakayahan magbigay ng pahintulot sa pakikipagtalik o sa sexual activities.

2. Ang mga Batas ang inamyenda ng R.A. No. 11648

- Revised Penal Code, as amended by R.A. No. 8353 (The Anti-Rape Law of 1997)
- R.A. No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act)

V. SA KASALUKUYAN, MADAMING SECTIONS SA H.B. NO. 7836 NA HINDI SINAMA SA REPUBLIC ACT NO. 11648

Sa 19th Congress, naghain ang kinatawan ng Gabriela Women's Party ng bagong panukala upang maidagdag ang mga amyendang hindi naisama sa R.A. No. 11648.

House Bill No. 401, filed on June 30, 2022 - nakabinbin sa Committee on REVISION OF LAWS

Strengthening Gender Equality in Law: An Analysis of Philippine Legislation

International Development Law Organization (IDLO) and the United Nations Entity for Gender Equality and the Empowerment of Women, in partnership with the Philippine Commission on Women.

Below is the overview of key findings and recommended legislative actions from the assessment of Philippine laws to facilitate or reform laws that discriminate against women and girls. The assessment was made during the Covid-19 pandemic. Fifty-one laws were reviewed and assessed by the team.

Protection from discrimination

The Magna Carta of Women is a source of enforceable women's rights, but it is also a policy document from where many other laws may be derived. Since its passage in 2009, only one out of the six stipulated discriminatory laws has been repealed. While the Magna Carta of Women is the framework law on women's human rights in the Philippines, there are specific provisions that need to be amended, such as the need to specify a timeframe for completion of repeal and amendment of discriminatory laws or a quota in relation to women's representation and participation in all spheres of society, particularly in the decisionmaking and policymaking processes in government and private entities. There is likewise a need to propose a new law protecting against violence and discrimination based on sexual orientation and gender identity.

Guarantee of basic human rights and fundamental freedoms

The laws reviewed under this thematic area covered the rights of witnesses, persons arrested, detained or under custodial investigation as well as victims of human rights violations. These laws, however, do not have specific considerations for women such as care responsibilities; health (including mental and reproductive health) and hygiene needs; legal aid; interpretation and translation; and protection from all forms of harassment, exploitation, abuse and violence, among others. Bills are pending, based on proposals for a new law to be passed covering not just reparations, but in consideration of the larger transitional justice responses to all types of atrocities and systemic abuses against women and the marginalized (indigenous peoples, indigenous cultural communities, internally displaced populations, etc.).

Protection from violence

Most of the laws reviewed under this section are part of the affirmative action to protect women from abuse, harassment and violence. While this is so, some laws need to be amended, such as the Anti-Rape Law, which does not include the lack of consent as a necessary element in the definition of the crime of rape. Current laws are more on the palliative side, i.e., they address violence against women after the crime has been committed, rather than address its root causes through education, elimination of gender biases and stereotypes in education, instruction, media and social media, and engaging with men and boys, among others. Emerging issues such as online violence and exploitation and harassment in public spaces have been addressed; however, violence in the context of natural and human-induced disasters such as armed conflict needs further legislative response. Several laws need to be revised or amended to ensure that cases relating to violence against women and girls are not settled outside the criminal justice system, to increase penalties for sexual harassment, and to harmonize sexual harassment laws, whether the harassment takes place online or offline, among others. The "forgiveness" clause under the AntiRape Law of 1997, which permits impunity for rapists, must also be repealed. Another aspect of rape law that requires amendment is raising the age of consent for sexual contact from 12 to 16 years.

Representation in political and public life

The laws in this section provide for specific seats for women's representation in the public sector or consultative bodies at the local level. Recommendations call for, among others, the harmonization of provisions regarding women's participation and representation as specified in Section 11 of the Magna Carta of Women. Women's leadership in political parties and in the private sector still needs to be addressed. While there are indeed allocated seats for women in the public sector, it is important to use the oversight provisions of these laws to assess the extent to which women's

representation has changed legislation and policies and transformed power and decision-making processes and structures to give space and voice to poor and marginalized women.

Nationality

There were two laws reviewed in this section pertaining to naturalization of aliens to Filipino citizenship. These laws, however, do not provide the same rights to foreign spouses, nor the same effects once naturalization is granted. It is recommended that these laws be amended to allow qualified aliens—whether male or female—to file for naturalization and contribute to the benefit of the entire family unit.

Education

Empowering communities to create better learning environments in the earliest stages of education is the core of the Early Years Act, or the Early Childhood Care and Development Act, a law that seeks to provide guidance on early education. While unequal access between the sexes to education is not an issue in the Philippines, the access to quality education for those on the margins—such as those living in poverty, those affected by armed conflict or those in rural areas—is an area of concern. The Early Years Act addresses this gap by strengthening local government units through promoting convergence initiatives on health, nutrition and early education.

Employment

Labor and employment laws reviewed in this section ensure equal pay for work of equal value. However, the Labor Code still contains discriminatory provisions that reinforce the burden of care work on women alongside paid work. Much of the support in the workplace is related to women's maternity, hence the inclusion of measures and facilities that enable women to perform their paid work, but without reference to men's equal or shared responsibility for care work. Stereotyped views about certain occupations being "for women", as in the case of those working in nightclubs, are present in the Labor Code as well. The impact of violence against women in the workplace needs to be understood, and laws enabling the provision of support to address this violence should be created. There are laws addressing the situation of women domestic workers and migrant workers, however, concrete measures are still needed to protect women from abuse, harassment and violence in their workplaces.

Health

The laws reviewed in this section focused on women's reproductive health. These laws fall short on recognizing the issues and realities faced by of a broad spectrum of women—adolescents, older women, women with disabilities, rural women, Muslim and indigenous women, and lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI), among others—who face discrimination and difficulties in accessing health services, including sexual and reproductive health services. Also, there is a need to enact a new law to specifically address the reproductive health concerns of vulnerable groups such as adolescents.

Economic and social benefits

The majority of the economic and social benefits in the laws reviewed focused on women in the formal economy, maternity leave and pay, and childcare. As is the case with laws related to healthcare, laws on economic and social benefits fall short on recognizing the issues and realities of a broad spectrum of women who face discrimination and difficulties in accessing economic and social benefits. More importantly, the issue of economic violence against women is not recognized in these laws, and neither is the gender dynamics in the household that may impede women in accessing economic and social benefits.

Marriage and family

The majority of discriminatory legal provisions against women are in the area of marriage and family. These laws are anchored in patriarchy and prevailing gender stereotypes, such as Articles 96 and 124 of the Family Code, which give preference to the husband's decision when it comes to community and conjugal properties, and Article 211, which gives preference to the husband's decision in cases of disagreement over common children. It is necessary to link these laws with protection from violence, especially in the domestic sphere. It is also important to examine how laws relating to marriage and family affect women's ability to work and participate in public or political life, and reform these laws accordingly.

Intersectional discrimination affecting particular groups of women and girls

Existing laws recognize the specific experiences of Moro and indigenous women. Although there are laws on senior citizens and women with disabilities, these laws focus on providing benefits and fail to recognize the vulnerabilities of women in these groups to abuse, harassment, neglect and violence. Thus, the laws provide no support programs or mechanism to address these vulnerabilities. There are also no laws to address discrimination against LGBTQI people. There is also a lack of recognition of harmful practices that violate the human rights of women and girls such as early and forced marriages, polygamy, etc., which are justified by reference to ideas of "tradition" or "culture".

IN SUMMARY, BASED ON THE ASSESSMENT OF PHILIPPINE LAWS, THE FOLLOWING RECOMMENDATIONS ARE MADE:

Four laws include legal provisions that are recommended for repeal due to their discriminatory nature:

1. Presidential Decree No. 1083 or the Code of Muslim Personal Laws on marriage, rights over inheritance and divorce, and marriage after death of the husband.

2. Republic Act No. 8353 on the forgiveness clause in cases of rape.

3. Executive Order No. 209 or the Family Code of the Philippines: (a) Article 14 on the provision on giving preference to the father's consent to the marriage of children between the ages of 18 and 21; (b) Articles 96 and 124 on the provision on giving preference to the husband's decision, in case of disagreement with the wife, on the administration and enjoyment of community and conjugal properties; (c) Article 211 on the provision on giving preference to the husband's decision, in case of disagreement with the wife, over the persons of their common children; (d) Article 225 on the provision on giving preference to the husband's decision, in case of disagreement with the wife, on the exercise of legal guardianship over the property of unemancipated common child; (e) Article 55, No.1 on the requirement for repeated physical abuse and grossly abusive conduct as a ground for legal separation.

4. Act No. 3815 or the Revised Penal Code: (a) Articles 333 and 334 on adultery and concubinage; (b) Article 202 on the definition of vagrants and prostitution; (c) Article 351 on premature marriages; and (d) Article 247 on death inflicted under exceptional circumstances.

· Thirty-nine laws are recommended for revision or amendments due to gaps in implementing various CEDAW General Recommendations, Concluding Observations of the CEDAW Committee to the Philippines, and the recommendations of other treaty bodies overseeing the implementation of international human rights treaties ratified by the Philippines; while the rest of the laws are requested to be harmonized with the provisions of the Magna Carta of Women, or through the use of the oversight functions of both houses of Congress.

Seven new laws are recommended to address issues relating to the rights of women and girls that are not yet addressed in existing laws:

1. A law establishing a national preventive mechanism against torture and cruel, inhuman or degrading treatment or punishment. A law should be drafted that is consistent with the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). This mechanism should, at the minimum: a) regularly examine the treatment of persons held in places of detention, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment; b) make recommendations to the relevant authorities to improve the treatment and conditions of persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations; and c) submit proposals and observations concerning existing or draft legislation.

2. A law on transitional justice. A new law should be drafted and passed that covers not just reparations but also addresses the larger transitional justice responses to all types of crimes recognized in international human rights law, and the systemic abuse of women and others who are marginalized because of their identity (indigenous peoples, indigenous cultural communities, internally displaced populations, etc.). Such a law should recognize their dignity and establish full reparation for human rights violations. This is necessary to prevent the recurrence of similar violations by making institutions accountable and making women's access to justice a reality in the aftermath of these violations.

3. A law to protect the rights of internally displaced populations. While the Magna Carta of Women has provisions for the protection of women and girls in conflict-affected communities as well as provisions for a special development fund for internally displaced populations under the Bangsamoro Organic Law, there is a need to draft and pass a national legal framework, consistent with the Guiding Principles on Internal Displacement. The adoption of this law will certainly impact women internally displaced populations and their families especially those still in internally displaced populations or evacuation camps, or those who are unable to return or reunite with their families, by providing them with rights and remedies specific to their circumstances. The bill on the rights of internally displaced populations was part of the common legislative agenda of the Legislature and the Executive branch in the 16th Congress but was not passed. It was filed again in the 18th Congress, but was still pending as of February 2021.

4. A law protecting against violence and discrimination based on sexual orientation and gender identity. While the Magna Carta of Women clearly defines non-discrimination, there is a need for a law to protect LGBTQI individuals against abuse, violence and discrimination in all spheres of life. The law must uphold the UN Human Rights Council Resolution 32/2 (2016) on the protection against violence and discrimination based on sexual orientation and gender identity. A bill

on this was filed in the 18th Congress but was still pending as of February 2021.

5. A law to eliminate online sexual exploitation of children. A new law should include measures such as prosecution of live-streaming content, which is absent in current anti-child pornography laws. This kind of exploitation affects both girls and boys but has different effects according to gender. Therefore, the respective experiences of girls and boys should be reflected in any new law in order to recognize the harm done to them through these crimes.

6. A law to address reproductive health concerns of vulnerable groups such as adolescents. A new law should specifically address access of adolescents to reproductive healthcare services and commodities without parental consent and should specify that adolescents should be provided with comprehensive information on sexual and reproductive health and rights, responsible sexual behavior, prevention of early pregnancies and prevention of sexually transmitted infections/diseases, including HIV and AIDS.

7. A law to recognize and address the issues of women in the informal economy. In line with International Labour Organization (ILO) Recommendation 204, a new law should be enacted that provides for a conceptual and operational definition of the informal economy based on the international definition, which recognizes the roles and contributions of informal workers, particularly women in the care economy. A new law should ensure their visibility in data, as well as recognize their rights such as the right to self-organize, the right to decent work, and the right to just and humane working conditions, including protection from all forms of abuse, exploitation, harassment and violence. It should also ensure that women in the informal economy have access to social and economic protection and benefits.

Relevant international conventions should be ratified, such as:

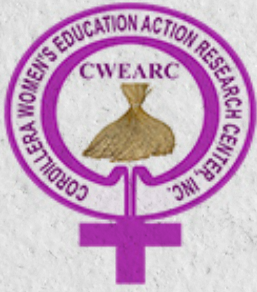
The Convention for the Protection of All Persons from Enforced Disappearance. Enforced disappearance has particular impacts on women and girls who are victims as well as on those who are family members of victims. · 45 ILO conventions including Night Work Convention (No. 171) and its Protocol, Home Work Convention (No. 177), Maternity Protection Convention (No. 183) and Violence and Harassment Convention (No. 190).

Annex

List and links of laws on women's rights and welfare

1. Republic Act 6949: **National's Women Day (1990)**.
<https://pcw.gov.ph/republic-act-6949-national-womens-day/>
2. Republic Act 7877: **Anti-Sexual Harassment Act of 1995 (1995)**.
<https://pcw.gov.ph/republic-act-7877-anti-sexual-harassment-act-of-1995/>
3. Republic Act 8353: **The Anti-Rape Law of 1997 (1997)**.
<https://pcw.gov.ph/republic-act-8353-the-anti-rape-law-of-1997/>
4. Republic Act 8505: **Rape Victim Assistance and Protection Act of 1998 (1998)**.
<https://pcw.gov.ph/republic-act-8505-rape-victim-assistance-and-protection-act-of-1998/>
5. Republic Act 6725: Prohibits discrimination with respect to terms and conditions of employment solely on the basis of sex (1989). https://lawphil.net/statutes/repacts/ra1989/ra_6725_1989.html
6. Republic Act 679: **An Act to Regulate the Employment of Women and Children (1952)**.
<https://pcw.gov.ph/republic-act-679/>
7. Republic Act 2714: **An Act to Establish in the Department of Labor, A Bureau to be Known as Women and Minors Bureau (1960)**.
<https://thecorpusjuris.com/legislative/republic-acts/ra-no-2714.php>
8. Republic Act 11648: **An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape, amending for the Purpose Act No. 3815 as Amended, Otherwise Known As "The Revised Penal Code," Republic Act No. 8353, Also Known as "The Anti-Rape Law of 1997," And Republic Act No. 7610, as Amended, Otherwise Known As the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" (2022)**.
<https://pcw.gov.ph/republic-act-11648-an-act-providing-for-stronger-protection-against-rape-and-sexual-exploitation-and-abuse-increasing-the-age-for-determining-the-commission-of-statutory-rape-amending-for-the-purp/>
9. Republic Act 11596: **An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof (2021)**.
<https://pcw.gov.ph/republic-act-11596-an-act-prohibiting-the-practice-of-child-marriage-and-imposing-penalties-for-violations-thereof/>
10. Republic Act 11210: **An Act Increasing the Maternity Leave Period to One Hundred Five (105) Days for Female Workers With an Option to Extend for an Additional Thirty (30) Days Without Pay, and Granting an Additional Fifteen (15) Days for Solo Mothers, and for Other Purposes (2021)**.
<https://pcw.gov.ph/republic-act-11210-an-act-increasing-the-maternity-leave-period-to-one-hundred-five-105-days-for-female-workers-with-an-option-to-extend-for-an-additional-thirty-30-days-without-pay-and-granting/>
11. Republic Act No. 11313: **Safe Spaces Act (Bawal Bastos Law) (2021)**.
<https://pcw.gov.ph/republic-act-no-11313-safe-spaces-act-bawal-bastos-law/>
12. Republic Act 10398: **An Act Declaring November Twenty-Five of Every Year as "National Consciousness Day for the Elimination of Violence Against Women And Children" (2013)**.
<https://pcw.gov.ph/republic-act-10398-an-act-declaring-november-twenty-five-of-every-year-as-national-consciousness-day/>
13. Republic Act No. 10361: **An Act Instituting Policies for the Protection And Welfare of Domestic Workers (2013)**.
<https://www.officialgazette.gov.ph/2013/01/18/republic-act-no-10361/>
14. Republic Act 9775: **Anti-Child Pornography Act of 2009 (2009)**.
<https://pcw.gov.ph/republic-act-9775-anti-child-pornography-act-of-2009/>
15. Republic Act 9710: **Magna Carta of Women (2009)**.
<https://pcw.gov.ph/republic-act-9710-magna-carta-of-women/>
16. Republic Act 8980: **Early Childhood Care and Development Act (2002)**.
<https://pcw.gov.ph/republic-act-8980-early-childhood-care-and-development-act/>
17. Republic Act 9208: **Anti-Trafficking in Persons Act of 2003 (2003)**.
<https://pcw.gov.ph/republic-act-9208-anti-trafficking-in-persons-act-of-2003/>
18. RA 9262: **The Anti-Violence Against Women and their Children Act of 2004 (2004)**.
<https://pcw.gov.ph/vaw-faqs/>
19. Republic Act No. 7882: **An Act Providing to Women Engaging in Micro and Cottage Business Enterprises, and for Other Purposes (1995)**.
<https://www.officialgazette.gov.ph/1995/02/20/republic-act-no-7882/>
20. Republic Act 7192: **Women in Development and Nation Building Act. (1992)**.
<https://pcw.gov.ph/republic-act-7192-women-in-development-and-nation-building-act/>
21. Republic Act 9501: **Magna Carta for Micro, Small**

- and Medium Enterprises (2008).**
<https://pcw.gov.ph/republic-act-9501-magna-carta-for-micro-small-and-medium-enterprises/>
22. Republic Act 9178: **Barangay Micro Business Enterprises Act.(2002).** <https://pcw.gov.ph/republic-act-9178-barangay-micro-business-enterprises-act-of-2002/>
 23. Republic Act 8972: **Solo Parents' Welfare Act. (2000).**
<https://pcw.gov.ph/republic-act-8972-solo-parents-welfare-act-of-2000/>
 24. Republic Act 10354: **The Responsible Parenthood and Reproductive Health Act .(2012).**
<https://pcw.gov.ph/republic-act-10354/>
 25. Republic Act 8760: **General Appropriations Act. (2000).**
<https://pcw.gov.ph/republic-act-8760-general-appropriations-act-of-2000/>
 26. Republic Act 10174: **An Act establishing the people's survival fund to provide long-term finance streams to enable the government to effectively address the problem of Climate Change (2009).**
<https://pcw.gov.ph/republic-act-no-10174-an-act-establishing-the-peoples-survival-fund/>
 27. Republic Act 10121: **Philippine Disaster Risk Reduction and Management Act. (2010).**
<https://pcw.gov.ph/republic-act-10121-philippine-disaster-risk-reduction-and-management-act-of-2010/>
 28. Republic Act 9995: **Anti-Photo and Video Voyeurism Act. (2009).**
<https://pcw.gov.ph/republic-act-9995-anti-photo-and-video-voyeurism-act-of-2009/>
 29. Executive Order No. 273: **Approving & Adopting the Philippine Plan for Gender-Responsive Development (PPGRD 1995 – 2025). (1992).**
https://www.dpwh.gov.ph/dpwh/sites/default/files/GAD/home/attachments/executive_order_273.pdf
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