

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
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OFFICE OF THE SANGGUNANG BAYAN

EXCERPT FROM THE MINUTES OF THE 108th REGULAR SESSION OF THE 11th SANGGUNANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON MARCH 17, 2025.

OFFICERS/MEMBERS:	POSITION	PRESENT	ABSENT	OB	OL
Hon. Edgardo G. Jamero	Municipal Vice Mayor	___/___	___	___	___
Hon. Julius G. Jamero	SB Member	___/___	___	___	___
Hon. Jo Vincent J. Morpos	SB Member	___/___	___	___	___
Hon. Dean Kaiser C. Tangalin	SB Member	___/___	___	___	___
Hon. Francis Joeray T. Gumban	SB Member	___/___	___	___	___
Hon. Jerson L. Cabahug	SB Member	___/___	___	___	___
Hon. Julito C. Mandac	SB Member	___/___	___	___	___
Hon. Percalixia Y. Bazar	SB Member	___/___	___	___	___
Hon. Efren A. Costanilla	SB Member	___/___	___	___	___
Hon. Domingo M. Gingco	Ex - Officio Member, LnB	___/___	___	___	___
Hon. Kirby Tracy V. Estillore	Ex - Officio Member, SK	___/___	___	___	___

Municipal Ordinance No. 11th-6-2025

AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC), THE PRODUCTION, DISTRIBUTION, POSSESSION AND ACCESS OF CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (CSAEM), PROVIDING PENALTIES FOR VIOLATIONS THEREOF, THEREAFTER PROVIDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS IN THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR.

Be it ORDAINED by the 11th Sangguniang Bayan of Dumingag, Zamboanga del Sur in a session duly assembled, that;

SECTION 1. TITLE

This Ordinance shall be known as "Anti-OSAEC and Anti-CSAEM Ordinance" in the municipality of Dumingag, Zamboanga del Sur.

SECTION 2. RATIONALE

The Municipality of Dumingag recognizes the increasing dangers that children face in the online world, particularly the growing threat of online sexual abuse and exploitation. With more children accessing the internet unsupervised, the risks have escalated, as shown by national reports identifying the Philippines as one of the leading sources of child sexual abuse materials. This ordinance responds to this urgent issue by aligning with Republic Act No. 11930, which direct local governments to actively combat these crimes. By putting in place preventive education, protection, and rehabilitation measures for child victims, Dumingag aims to safeguard its children and curb the spread of online exploitation within the community.

Through this ordinance, Dumingag is committed to strengthening local efforts to protect children in the digital space. It will focus on educating families about the dangers of online exploitation and providing critical support for victims. The municipality will also offer rehabilitation programs through its local social welfare office to help survivors reintegrate into society and recover from their trauma. By taking these steps, Dumingag aims to build a safer environment for children and promote their well-being both online and offline.

Municipal Ordinance No. 11th-6-2025
11th Sangguniang Bayan

SECTION 3. LEGAL BASES

Republic Act No. 11930, also known as the "Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act.

Department of the Interior and Local Government Memorandum Circular No. 2024 - 140, dated September 24, 2024, is being issued to provide LGUs with guidelines on the enactment of a comprehensive ordinance to address OSAEC and CSAEM.

SECTION 4. DECLARATION OF POLICY

The Ordinance hereby declares as policy that:

- a. Each child is protected against the ill-effects and the dangers of unsafe internet use and prevent online abuse and sexual exploitation.
- b. Families, parents and guardians and their children are educated and well-informed about positive parenting, specifically, guiding their children on the use and the adoption of internet or online-offline safety behaviors.
- c. Persons in government offices and other public and private institutions are educated on OSAEC as it evolves and how to respond to technology-based trafficking in persons and are capacitated to respond according to their mandates.
- d. Online businesses and other allied services/enterprises, such as, but not limited to data providers, money transfers, IT equipment providers and internet installers are compliant to existing laws and its provisions in ensuring online safety.

SECTION 5. DEFINITION OF TERMS

For the purpose of this Ordinance, the following terms and phrases shall mean:

- a. Child - refers to a person below eighteen (18) years of age or those over but is unable to fully take care of himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition. A child shall also refer to:
 1. A person regardless of age who is presented, depicted or portrayed as a child defined herein.
 2. Computer-generated, digitally or manually crafted images or graphics of a person who is represented or who is made to appear to be a child as defined herein.
- b. Child 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 which makes the child neglected, abused and exploited from such occurrence.
- c. Child sexual exploitation - refers to any of the following acts even if consent appears to have been granted by the child:
 1. Child sexual abuse with consideration whether monetary or non-monetary consideration, favor, or benefit in exchange for the opportunity to perform such abusive or exploitative act.
 2. Actual sexual intercourse with a child or children with or without consideration.

HON. JULIUS G. JAMERO
SB Member

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SB Member

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Ex-Officio Member

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3. Employing fraud, machination, undue influence, intimidation, threat or deception by any person to commit sexual abuse or sexual intercourse with a child or children.
 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.
- d. **Child Sexual Abuse or Exploitation Material (CSAEM) or Child Sexual Abuse Material (CSAM)** - refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof by electronic, mechanical, digital, optical, magnetic or any other means related and/or similar from the foregoing, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. For purposes of this Ordinance, CSAEM may interchangeably be referred to as CSAM.
 - e. **Grooming** - refers to predatory conduct, act, or pattern of acts, of establishing a relationship of trust, or emotional connection by another, with a child or someone who is believed to be a child, and/or the family, guardian, and/or caregivers, whether in person or via electronic and other similar devices, for the purpose of perpetrating sexual abuse or exploitation or the production of any form of CSAEM.
 - f. **Internet cafe/kiosk/shop** - refers to an establishment that offers or proposes to offer services to the public for the use of its computer/s or computer system for the proposes of accessing the internet, computer games or related services.
 - g. **Live Streaming of Child Sexual Abuse** - refers when there is a transmission of a child sexual abuse to a viewer/s in real time through "streaming" over the internet. the abuse video is transmitted instantaneously to the viewer who can watch, engage, and even direct abuse while it is occurring. This can take both commercial and non-commercial forms.
 - h. **Luring** - refers to the act of communicating, by means of a computer system or other similar mediums, with a child or someone who the offender believes to be a child for the purpose of facilitating the commission of sexual activity or production of any form of CSAEM.
 - i. **Online Sexual Abuse and Exploitation of Children (OSAEC)** - refers to the usage of digital or analog communication and ICT as means to abuse and exploit Children sexually, which includes cases in which contact child abuse or exploitation offline is combined with an online component. This can also include the production, dissemination, and possession of CSAEM or CSAM; online grooming of children for sexual purposes; sexual extortion of children; sharing image-based asexual abuse; commercial sexual exploitation of children; exploitation of children through online prostitution; rind live-streaming of asexual abuse, with or without the consent of the victim.
 - j. **OSAEC Customer or Perpetrator** - means any person who provides financial compensation to an OSAEC trafficker or child for any form of CSAEM/CSAM for any in-person sexual exploitation of a minor.
 - k. **OSAEC Facilitator** - means a person who procures children to do sexual acts online, usually parents, older siblings or relatives.
 - l. **OSAEC Trafficker** - means any person who sexually abuses or exploits a child through the means of the internet through offering CSAEM/CSAM and/or a minor or adult for the purpose of hands-on sexual exploitation in exchange for compensation.
 - m. **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.

- n. Sexual Abuse or exploitation material - refers to any online or online representation, whether visual, audio or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means of a child engaged or involved in real or simulated explicit asexual activities.
- o. In the online platform, sexual abuse or exploitation material shall include visual or audio or written materials or a combination thereof which is distributed via email, text message, instant messaging, chat rooms, peer-to-peer file sharing networks, social media platforms, and unencrypted and encrypted communication apps or traded on password-protected sites, bulletin boards and forums.
- p. Trafficking in Persons - shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

SECTION 6. 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 permit or influence the child to engage, participate or assist in any form of CSAEM.
- e. To produce, direct, create, hire, employ or pay a facilitator to stream or livestream acts of child sexual abuse or exploitation.
- f. To recruit, transport, transfer, harbor, provide, or receive a child or to induce or influence the same, for the purpose of violating this Ordinance.
- g. 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 Ordinance.
- h. To knowingly benefit from, financial or otherwise, the commission of any of the offenses of this Ordinance.
- i. To provide a venue for the commission of prohibited acts such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments.
- j. 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.
- k. To engage in pandering as defined under this Ordinance.
- l. 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.
- m. To advertise, live-stream, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means

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of any brochure, flyer, or any material that promotes OSAEC and child sexual abuse or exploitation.

- n. 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.
- o. Grooming of children for sexual purposes by developing a relationship with a child to enable their sexual abuse and/or exploitation, either online or offline.
- p. Sextortion by coercing and blackmailing children for sexual purposes-producing and/ or utilizing sexual images and/or videos depicting a child, for the purposes of sexual, financial or other personal gains.

SECTION 7. RESPONSIBILITY OF BUSINESS OWNERS/OPERATORS AND OWNERS OR LESSORS OF BUSINESS ESTABLISHMENTS

All business owners/operators and owners or lessors of business establishments shall notify the Dumingag Municipal Police Station or the Municipal Social Welfare and Development Office (MSWDO) that child sexual abuse or exploitation is being committed in their premises; provided, that public display of any form of child sexual abuse or exploitation within their premises is a conclusive presumption of the knowledge of the business owners/operators and owners or lessors of business establishments of the violations of this Ordinance.

Any willful and intentional violation of this provision shall be subject to the penalty provided under Section 15 of this Ordinance.

SECTION 8. AUTHORITY TO REGULATE INTERNET CAFES, PISONET/SINGKONET OPERATORS, LOCAL INTERNET SERVICE PROVIDERS (LISP) AND MONEY REMITTANCE CENTERS

The local government unit of Dumingag where internet cafes, pisonet/singkonet operators, local internet service providers (LISP) and money remittance centers in the municipality shall have the authority to monitor and regulate the establishment and operation of the same or similar establishments in order to prevent violation of the provisions of this Ordinance.

All internet cafes, pisonet/singkonet operators, local internet service providers (LISP), as well as money remittance centers shall undergo a seminar on Online Sexual Abuse and Exploitation of Children (OSAEC) provided by the MSWDO, as a requirement prior to the issuance of a business permit, regardless of the kind of application whether it is new or for renewal. Upon the discretion of the Business Permit and Licensing Office (BPLO), the said establishments may be issued a provisional license prior to the completion of the aforementioned OSAEC seminars.

SECTION 9. MANDATORY SERVICES TO VICTIMS OF CHILD SEXUAL ABUSE OR EXPLOITATION

The Municipal Social Welfare and Development Office (MSWDO) shall ensure that the child who is a victim of any form of child sexual abuse or exploitation is provided appropriate care, custody and support for his/her recovery and reintegration in accordance with existing laws.

To ensure recovery, rehabilitation and reintegration into the mainstream of society, the following shall be made the following services to victims of any form of child sexual abuse or exploitation:

- a. Emergency shelter
- b. Alternative family-based care like Foster Care and Kinship Care

- c. Counselling
- d. Free legal services, which shall include information about the victim's 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.
- e. Medical and/or psychological services.
- f. Livelihood and skills training
- g. Educational assistance
- h. Support services to survivor empowerment, leadership, development, advocacy and participation

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

SECTION 10. MUNICIPAL INTER-AGENCY COUNCIL AGAINST ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (MIACOSAEC)

There shall be established a Municipal Inter-Agency Council Against Online Sexual Abuse and Exploitation of Children which shall be composed of the following:

Municipal Mayor - Chairperson

Head, Municipal Social Welfare and Development Office - Vice Chairperson

Chairperson, Sangguniang Bayan Committee on Women and Family - Member

President, Liga ng mga Barangay (LNB) - Member

Chairperson, Sangguniang Kabataan Federation - Member

Women and Children's Protection Desk, Dumingag Municipal Police Station - Member

Commanding Officer - Philippine Army Unit Assigned in Dumingag - Member

MLGOO, Department of Interior and Local Government (DILG) - Member

Legal Officer, LGU Dumingag - Member

Head, Municipal Youth Development Office - Member

Head, Business Permits and Licensing Office - Member

Head, Municipal Health Office - Member

PSDS, District 1 DepEd - Member

PSDS, District 2 DepEd - Member

President, Federated Parents Teachers Association (FPTA) - Member

Representative, Religious Sector - Member

Representatives, Two (2) Accredited CSO/NGO/PO for Children/Youth - Member

SECTION 11. FUNCTIONS OF THE COUNCIL

The following shall be the duties and functions of the Municipal Inter-Agency Council Against Online Sexual Abuse and Exploitation of Children, to wit;

- a. Monitor and document cases of OSAEC and CSAEM in the municipality.

- b. Coordinate with local agencies and non-government organizations to immediately respond and address the issues and problems attendant to OSAEC.
- c. Develop mechanism to ensure timely, coordinated and effective response to cases of OSAEC and CSAEM.
- d. Encourage and support initiatives which address OSAEC.
- e. Recommend the cancellation of licenses of establishment which violate the provisions of this Ordinance and ensure its effective prosecution.
- f. Undertake an information campaign against OSAEC.
- g. Recommend the services for the prevention, rescue, recovery, rehabilitation and reintegration support to victims of OSAEC.
- h. Strengthen, activate and mobilize committees, organizations and specials bodies in the barangay level to prevent and suppress OSAEC.
- i. Recommend the utilization of funds appropriated under this Ordinance to the Municipal Budget Office.
- j. Exercise all the powers and perform such other function necessary to attain the purpose and objectives of this Ordinance.

SECTION 12. PROGRAMS FOR VICTIMS OF ONLINE CHILD SEXUAL CHILD ABUSE AND EXPLOITATION

The Council shall develop and implement the necessary programs that will prevent any form of online sexual child abuse and exploitation as well as protect, heal and integrate the child into the mainstream of society. Such programs shall include but not limited to the following, to wit;

- a. Provision of mandatory services including counselling, free legal services, medical or psychological services, livelihood and skills training and educational assistance to the child pursuant to Section 8 of this Ordinance.
- b. Participation in a national research program on any form of child sexual abuse or exploitation and other acts covered by the law and the establishment of a data collection system for monitoring and evaluation purposes.
- c. Participation in conferences and seminars to provide venue for consensus building amongst the public, the academe, LGU of Dumingag, non-government and international organizations including the regional network of care.
- d. Promotion of information and education campaign as regards to propagandas against online sexual abuse and exploitation.
- e. Establishment of a survivor network and local survivor support group.

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

SECTION 13. ESTABLISHMENT OF A HEALTHY AND CHILD-FRIENDLY SPACE

The LGU of Dumingag shall establish Dumingag Child Protection and Response Center that shall serve as a refuge for child victims in general. It shall provide temporary shelter for abused children and an interview room.

In the absence of a Dumingag Child Protection and Response Center, a specific room in the LGU shall be established in accordance with the requirements of a child-friendly space that shall serve the purpose of promoting the best interest of the child victims. In the

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alternative, Community Day Care Centers shall be utilized as a Child-Friendly Space for processing and interview of child victims.

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SECTION 14. APPLICABILITY OF OTHER RELEVANT NATIONAL LAW AND LEGAL PRINCIPLES

The provisions of Republic Act No. 11862, Republic Act No. 11930, Republic Act No. 9775 and other relevant laws shall be applied in cases pertinent to

- a. Duties of internet content host.
- b. Confiscation and forfeiture of the Proceeds, Tools and Instruments Used in Child Sexual Abuse or Exploitation.
- c. Duties of an Information and Communication Technology Service Provider (ICT SP). More importantly, the confidentiality of all proceedings and the privacy of the child shall be given utmost protection pursuant to existing laws rules and regulations.

SECTION 15. PENALTIES

Without prejudice penalties and fines as may be provided by other relevant laws, the following penalties for violations of any provisions of the Ordinance are hereby imposed as follows:

- First Offense - A fine of One Thousand Five Hundred Pesos (₱ 1,500.00) and undergo a mandatory Anti-OSAEC Seminar;
- Second Offense - A fine of Two Thousand Pesos (₱ 2,000.00) and undergo a mandatory Anti-OSAEC Seminar.
- Third Offense and Succeeding Offenses - A fine of Two Thousand Five Hundred Pesos (₱ 2,500.00) and undergo a mandatory Anti-OSAEC Seminar and/or imprisonment for three (3) months upon discretion of a competent court of law.

Business establishments found to have violated any of the provisions of this Ordinance shall be subjected to suspension (1st and 2nd Offense) or revocation (3rd offense and more) of business permits.

In cases when any provision of this Ordinance is violated by any government agency, office or instrumentality or any government employee, they shall be proceeded administratively.

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

SECTION 16. IMPLEMENTING AGENCIES

The Women and Children's Protection Desk, Dumingag Municipal Police Station (DMPS) and the Municipal Social Welfare and Development Office shall be the primary arm in implementing and enforcing this Ordinance.

SECTION 17. INTERPRETATION CLAUSE

The provisions of this Ordinance shall be liberally construed in favor of the best interest of the child VICTIM.

SECTION 18. SEPARABILITY CLAUSE

If any provision or part of this Ordinance is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 19. REPEALING CLAUSE

All ordinances, executive orders, local issuances, rules and regulations or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 20. EFFECTIVITY CLAUSE

This ordinance shall take effect after being declared as valid by the Sangguniang Panlalawigan of Zamboanga del Sur, after fifteen (15) days following the completion of the posting requirements in three (3) conspicuous places in the municipality and its publication in any newspaper of general circulation or posting of copies in all the municipalities and one (1) city within the province of Zamboanga del Sur.

Enacted: March 17, 2025

CONCURRED:

SANGGUNIANG BAYAN MEMBERS:

Hon. Julius G. Jamero

Hon. Dean Kaiser C. Tangalin

Hon. Jerson L. Cabahug

Hon. Percalixia Y. Bazar

Hon. Domingo M. Gingco

Hon. Jo Vincent J. Morpos

Hon. Francis Joeray T. Gumban

Hon. Julito C. Mandac

Hon. Efren A. Costanilla

Hon. Kirby Tracy V. Estillore

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED

EDGARDO G. JAMERO
Presiding Officer/Municipal Vice Mayor

APPROVED: April 7, 2025

GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing Ordinance is true and correct.

JESSYL B. PALON
Secretary to the Sanggunian