



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
Second Regular Session

HOUSE RESOLUTION NO. 1336

Introduced by
REPRESENTATIVES YEDDA MARIE K. ROMUALDEZ,
FERDINAND MARTIN G. ROMUALDEZ,
and **CHRISTOPHER V. P. DE VENECIA**

RESOLUTION
CALLING FOR AN INVESTIGATION, IN AID OF LEGISLATION, ON THE
ALARMING SITUATION OF ONLINE SEXUAL EXPLOITATION OF CHILDREN
(OSEC) IN THE PHILIPPINES

WHEREAS, OSEC includes all acts of a sexually exploitative nature carried out against a child that have, at some stage, a connection to the online environment. It includes any use of information and communications technology that results in sexual exploitation or causes a child to be sexually exploited or that results in or causes images or other material documenting such sexual exploitation to be produced, bought, sold, possessed, distributed, or transmitted;

WHEREAS, the full scale of the OSEC situation is still unknown, but the Philippines has been described as the global epicenter of the OSEC trade. According to the Department of Justice – Office of Cybercrime (DOJ-OCC), in 2018, at least 600,000 child sexual abuse materials from the Philippines were shared and sold online, marking a 1,300% increase from the previous year;

WHEREAS, sexual predators and OSEC facilitators rarely get convicted. Out of the thousands of cyber tips received by the DOJ-OCC in 2017, the Inter-Agency Council Against Trafficking only reported 32 cyber trafficking convictions;

WHEREAS, the surge of OSEC cases in the country has been due to a variety of factors such as poverty, cheap internet and smartphones, easy internet access, lack of built-in safeguards or security mechanisms in social media platforms and other digital applications, prevailing norms that reinforce secrecy or continued abuse, a means of family income, underreporting, an existing sex and trafficking industry, widely available money remittance centers, lack of proper parental or guardian supervision,

and lack of resources to investigate and prosecute perpetrators, and rescue and rehabilitate child victims;

WHEREAS, OSEC has become more visible on social media platforms since the imposition of COVID-19 community quarantine measures in the country, with many online perpetrators even promising 'lifetime membership' and 'exclusive access' to child sexual abuse photos and videos. During said period, there have also been news reports of several police arrests of family members who were found trafficking and sexually abusing their own children and relatives online, all within the confines of their homes. Furthermore, according to the DOJ-OOC, it has received 279,166 cyber tips from March to May 2020, compared to 76,561 cyber tips over the same period in 2019. This translates to an increase of 264.63%;

WHEREAS, it is the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions, prejudicial to their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination;

WHEREAS, it is the duty of the State to protect children from all forms of sexual abuse and exploitation, and from economic exploitation and work that is dangerous or might harm their health or physical, mental, spiritual, moral or social development, as enunciated in the United Nations Convention of the Rights of the Child, in which the Philippines is signatory;

WHEREAS, it is the duty of the State to pursue all appropriate national, bilateral, and multilateral measures in order to prevent the inducement, coercion, and exploitation of children in any unlawful sexual activity, prostitution, and pornographic use;

WHEREAS, the Philippines ratified international legal frameworks in relation to OSEC namely, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; Convention on Cybercrime; and International Labour Organization Conventions, which mandate the State to:

- (a) Ensure that, at a minimum, the sale, prostitution or pornography of children are fully covered under domestic legislation. This includes punishing any attempt or complicity with the acts, providing penalties, and establishing civil, criminal, or administrative liability against offenders;
- (b) Adopt all appropriate measures in order to criminalize the production, availability, distribution, procurement, and possession of online child pornography that uses a computer system; and
- (c) Prioritize the design and implementation of programs that eliminate the worst forms of child labor, including child prostitution and pornography, and ensure cooperation between government, employers and workers' organizations.

WHEREAS, the Philippines recently reaffirmed its commitment to prevent OSEC by strengthening laws, enhancing law enforcement capacity, and increasing effectiveness of child protection services, as stated in the Declaration on the Protection of Children from all forms of Online Abuse and Exploitation in ASEAN;

WHEREAS, the Philippines has made great strides in enacting policies that provide for the protection of children from exploitation, including online. There are five main Philippine laws for child protection online namely, RA 9775 or the Anti-Child Pornography Act of 2009, RA 9208 as expanded by RA 10364 or the Anti-Trafficking in Persons Act, RA 10175 or the Cybercrime Prevention Act of 2012, RA 9995 or the Anti-Photo and Video Voyeurism Act of 2009, and RA 7610 as amended by RA 9231 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act;

WHEREAS, the Child Rights Network conducted a study of the five aforementioned laws in relation to OSEC, as well as, ancillary laws that affect child protection procedures namely, RA 11313 or the Safe Spaces Act, RA 10929 or the Free Internet Access in Public Places Act, RA 4200 or the Anti-Wiretapping Law, RA 9160 as amended or the Anti-Money Laundering Act, RA 1405 and RA 6426 or Banking Laws, and RA 10173 or the Data Privacy Act;

WHEREAS, the patchwork of domestic laws related to OSEC reveal that the state of Philippine laws may be able to address some exploitative situations if the laws are viewed from the perspective that they are broad enough, or inclusive enough, for OSEC. However, technology and society are continually evolving in such a state that laws have to be updated to keep up with the complexity of OSEC; WHEREAS, significant findings of the study on the gaps of the laws are as follows:

- (a) RA 9775 does not explicitly consider the often ephemeral quality of OSEC committed through the viewing or “live streaming” of online content that does not need the offender to
 - a. do any act of downloading or retaining any form of child pornography. The law also does not fully contemplate the role of social media in OSEC;
- (b) RA 9208, as expanded by RA 10364, does not specifically address persons who view children online. The amended law also does not impose any obligation on internet service providers, internet content hosts, or business establishments to prevent OSEC-related trafficking, or cooperate in the prosecution against the offenders. It is also insufficient in addressing the reality that children may be groomed and recruited online;
- (c) RA 10175 does not sufficiently address persons who may be considered “accomplices or accessories” to OSEC;
- (d) RA 9995 does not craft an exception for children wherein their consent should not even be a defense against civil or criminal liability under the law. It also does not focus on the attempt to capture photos or videos, but only on the consummated act; and
- (e) RA 7610 has a narrow view when it punishes attempts to commit child prostitution. It also does not cover situations wherein the offender does not actually get to see videos or children despite trying to lure a child. There is also no clear punishment for an attempt to make a child engage in obscene or indecent shows.

WHEREAS, there is a need for the House of Representatives to exercise its oversight mandate to investigate the rising incidence of OSEC in the country, look into the quality of policy implementation, and review existing and related laws to keep up with the complexity of OSEC;

NOW THEREFORE, IT IS HEREBY RESOLVED that the House Committee on the Welfare of Children and other appropriate House Committees immediately conduct an investigation, in aid of legislation, on the alarming situation of OSEC in the Philippines, including its prevalence during the COVID-19 health crisis.

Adopted,



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