



HOUSE OF REPRESENTATIVES

H. No. 6440

BY REPRESENTATIVES ANTONINO-CUSTODIO, PRIETO-TEODORO, VELARDE, ARROYO (I.), RODRIGUEZ, SANTIAGO (N.), DEFENSOR (M.), CUA (J.), TAÑADA, CHATTO, ILAGAN, ABANTE, CODILIA, NICOLAS, VILLAR, LAPUS, ZIALCITA, CLIMACO, ZAMORA (R.), PLAZA, SUAREZ, ANGPING, CAJAYON, UMALI (C.), SUSANO, MENDOZA (M.), GATCHALIAN, DEFENSOR (A.), GONZALES (N.), COQUILLA, BINAY, GOLEZ, ANGARA, ESCUDERO, DAZA, ORTEGA (V.), ALBANO, GARIN, DE GUZMAN, COJUANGCO, VILLANUEVA, MAGSAYSAY, UMALI (A.), CHAVEZ, DY, AGGABAO, PONCE-ENRILE, SEARES-LUNA, SY-ALVARADO, UY (R.S.), APOSTOL, ECLBO, BULUT, CELESTE, EMANO, MARAÑON, BONDOC, ZUBIRI, LIMKAICHONG, BAUTISTA, HOFER, ROMAN, GATLABAYAN, PADILLA, SANTIAGO (J.), VALDEZ, PIAMONTE, DUMPIT, DANGWA, MAMBA, SINGSON (R.), CARI, FERRER, AGBAYANI, AGYAO, PANCRUDO, TEVES, ABAYA, BARZAGA, KHO, CLARETE, FERNANDEZ, RAMIRO, CHUNGALAO, ROMARATE, REYES (V.), ROBES, AMATONG, UY (R.A.), CAJES, DOMOGAN, LOPEZ (J.), MADRONA, ESTRELLA (C.), MIRAFLORES, CAGAS, LAGDAMEO, LABADLABAD, CERILLES, FUA, NOEL, GARCIA (V.), BIAZON, BONOAN-DAVID, ALCALA, RODRIGUEZ-ZALDARRIAGA, SOLIS, GARCIA (A.), OLAÑO, DURANO, SALVACION, BELMONTE, ARROYO (D.), UY (E.), ERMITA-BUHAIN, VIOLAGO, ZAMORA (M.), PINGOY, ARNAIZ, PANCHO, JOSON, SILVERIO, TIENG, COSCOLLUELA, MERCADO, ALMARIO, DUEÑAS, ARAGO, CASIÑO, VINZONS-CHATO, ABLAN, AMANTE, AQUINO (J.), ARBISON, ASILO, BALINDONG, CABILAO, CHIPECO, DATUMANONG, DAYANGHIRANG, DIAZ, DILANGALEN, DUMARPA, ENVERGA, GARAY, JAAFAR, JIKIRI, MANDANAS, NAVA, PABLO, REYES (C.), ROMULO, ROXAS, SALIMBANGON, TALIÑO-MENDOZA, TEODORO, TUPAS, UNGAB AND YAP, PER COMMITTEE REPORT NO. 2071

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:*

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

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

7 (a) Guarantee the fundamental rights of every child from all forms of
8 neglect, cruelty and other conditions prejudicial to their development;

9 (b) Protect the child from all forms of exploitation and abuse including,
10 but not limited to:

11 (1) the exploitative use of a child or children in pornographic
12 performances and materials; and

13 (2) the inducement or coercion of a child to engage in or perform any
14 sexual activity or practices, through whatever means; and

15 (c) Comply with international treaties to which the Philippines is a
16 signatory or a State party concerning the rights of children which include, but
17 not limited to, the Convention on the Rights of the Child, the 2nd Optional
18 Protocol to the Convention on the Rights of the Child on the Sale of Children,
19 Child Prostitution and Child Pornography, the International Labor
20 Organization (ILO) Convention No. 182 on the Elimination of the Worst
21 Forms of Child Labor and the Convention Against Transnational Organized
22 Crime.

1 SEC. 3. *Definition of Terms.* –

2 (a) “Children” refers to persons below eighteen (18) years of age or
3 those over but are unable to fully take care of themselves or protect themselves
4 from abuse, neglect, cruelty, exploitation or discrimination because of a
5 physical or mental disability or condition.

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

7 (1) a person regardless of age who is presented, depicted or believed to
8 be a child as defined herein; and

9 (2) a computer-generated, digitally or manually crafted images or
10 graphics of a person who is represented or who is made to appear to be a child
11 as defined herein.

12 (b) “Child pornography” refers to any public or private representation,
13 by whatever means, of a child engaged in real or simulated explicit sexual
14 activities or any representation of the sexual parts of a child for primarily
15 sexual purposes.

16 (c) “Child pornography materials” refers to the means and methods by
17 which child pornography is carried out:

18 (1) As to form:

19 (i) Visual depiction – which includes not only images of real children
20 but also digital image, computer image or computer-generated image that is
21 indistinguishable from that of real children engaging in an explicit sexual
22 activity. Visual depiction shall include:

23 (aa) undeveloped film and videotapes;

24 (bb) data and/or images stored on a computer disk or by electronic
25 means capable of conversion into a visual image;

26 (cc) photograph, film, video, picture, digital image or picture,
27 computer image or picture, whether made or produced by electronic,
28 mechanical or other means;

1 (dd) drawings, cartoons, sculptures or paintings depicting children; or

2 (ee) other analogous visual depiction; or

3 (ii) Audio representation of a person who is or is represented as being a
4 child and who is engaged in or is represented as being engaged in explicit
5 sexual activity, or an audio representation that advocates, encourages or
6 counsels any sexual activity with children which is an offense under this Act.
7 Such representation includes audio recordings and live audio transmission
8 conveyed through whatever medium including real-time internet
9 communications; or

10 (iii) Written text or material that advocates or counsels explicit sexual
11 activity with a child and whose dominant characteristic is the description, for a
12 sexual purpose, of an explicit sexual activity with a child.

13 (2) As to content:

14 (i) It includes representation of a person who is, appears to be, or is
15 represented as being a child, the dominant characteristic of which is the
16 depiction, for a sexual purpose, of:

17 (aa) the sexual organ or the anal region, or a representation thereof; or

18 (bb) the breasts, or a representation of the breasts, of a female person.

19 (d) "Explicit sexual activity" refers to actual or simulated --

20 (1) Sexual intercourse or lascivious act including, but not limited to,
21 contact involving genital to genital, oral to genital, anal to genital or oral to
22 anal, whether between persons of the same or opposite sex;

23 (2) Bestiality;

24 (3) Masturbation;

25 (4) Sadistic or masochistic abuse;

26 (5) Exhibition of the genitals, buttocks, breast, pubic area and/or anus;

27 or

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

1 (e) “Internet address” refers to a website, bulletin board service,
2 internet chat room or news group, or any other internet or shared network
3 protocol address.

4 (f) “Internet café or kiosk” refers to an establishment that offers or
5 proposes to offer services to the public for the use of its computer/s or
6 computer system for the purpose of accessing the Internet, computer games or
7 *related services*.

8 (g) “Internet content host” refers to a person who hosts or who
9 proposes to host Internet content in the Philippines.

10 (h) “Internet service provider (ISP)” refers to a person or entity that
11 supplies, or proposes to supply, an Internet carriage service to the public.

12 (i) “Luring” refers to the act of communicating, by means of a
13 computer system, with a child or someone who the offender believes to be a
14 child for the purpose of facilitating the commission of a sexual activity or
15 production of child pornography.

16 (j) “Grooming” refers to the act of preparing a child or someone who
17 *the offender believes to be a child for a sexual activity or sexual relationship*
18 *by communicating child pornography. It includes online enticement, or*
19 *enticement through any other means.*

20 (k) “Primarily sexual purposes” refers to purposes which will fulfill all
21 the following conditions:

22 (1) The average person applying contemporary community standards
23 would find the work taken as a whole appealing to prurient interest and
24 satisfying only the market for gratuitous sex and violence;

25 (2) The work depicts or describes sexual conduct in a patently
26 offensive way; and

1 (3) The work taken as a whole imbued within its context, manner or
2 presentation, intention and culture, lascivious, literary, artistic, political and
3 scientific value.

4 SEC. 4. *Unlawful or Prohibited Acts.* – It shall be unlawful for a person
5 to commit any of the following acts:

6 (a) To hire, employ, use, persuade, induce or coerce a child to perform
7 in the creation or production of child pornography;

8 (b) To produce, direct, manufacture or create any form of child
9 pornography and child pornography materials;

10 (c) To sell, offer, advertise and promote child pornography and child
11 pornography materials;

12 (d) To possess, download, purchase, reproduce or make available child
13 pornography materials with the intent of selling or distributing them;

14 (e) To publish, post, exhibit, disseminate, distribute, transmit or
15 broadcast child pornography or child pornography materials;

16 (f) To knowingly possess, view, download, purchase or in any way
17 take steps to procure, obtain or access for personal use child pornography
18 materials; and

19 (g) To attempt to commit child pornography by luring or grooming a
20 child.

21 SEC. 5. *Duties of an Internet Service Provider (ISP).* – An ISP shall:

22 (a) Prevent access or transmittal of child pornography materials by any
23 person and shall install a blocking system to prevent access to such materials;

24 (b) Within seven (7) days, report the presence thereof, as well as the
25 particulars of the person maintaining, hosting, distributing or in any manner
26 contributing to the Internet address, to the proper authorities; and

27 (c) Preserve such evidence for purposes of investigation and
28 prosecution by relevant authorities.

1 An ISP shall, upon the request of proper authorities, furnish the
2 particulars of users who gained or attempted to gain access to an Internet
3 address which contains child pornography materials.

4 An ISP who shall knowingly, willfully and intentionally violate this
5 provision shall be subject to the penalty provided under Section 13(e) of this
6 Act.

7 SEC. 6. *Duties of an Internet Content Host.* – An Internet content host
8 shall:

9 (a) Not host any child pornography on its Internet address;

10 (b) Within seven (7) days, report the presence of child pornography, as
11 well as the particulars of the person maintaining, hosting, distributing or in any
12 manner contributing to such Internet address, to the proper authorities; and

13 (c) Preserve such evidence for purposes of investigation and
14 prosecution by relevant authorities.

15 An Internet content host shall, upon the request of proper authorities,
16 furnish the particulars of users who gained or attempted to gain access to an
17 Internet address that contains child pornography materials.

18 An Internet content host who shall knowingly, willfully and intentionally
19 violate this provision shall be subject to the penalty provided under
20 Section 13(e) of this Act.

21 SEC. 7. *Duty to Provide Blocking System or Software.* – The following
22 shall also have the duty to install blocking system or software to prevent
23 transmittal of or access to the child pornography materials:

24 (a) Internet café establishments;

25 (b) Private and public educational institutions;

26 (c) Public and private offices; and

27 (d) Service providers such as telephone companies and others.

1 SEC. 8. *Duty to Report.* – Photo developers, information technology
2 (IT) professionals, credit card companies and banks, and any person who has
3 direct knowledge of any child pornography activities shall have the duty to
4 report any suspected child pornography materials or transactions to the proper
5 authorities within seven (7) days from discovery thereof.

6 SEC. 9. *Facilitating Unlawful or Prohibited Acts.* – It shall be unlawful
7 for a person to knowingly facilitate the commission of any of the prohibited or
8 unlawful acts under any of the provisions of this Act.

9 SEC. 10. *Providing Venue for Commission of Prohibited Acts.* – It shall
10 be unlawful for a person to knowingly, willfully and intentionally provide a
11 venue for the commission of prohibited acts such as, but not limited to, dens,
12 private rooms, cubicles in Internet cafes, cinemas, secluded areas in residential
13 houses or in establishments purporting to be a legitimate business.

14 SEC. 11. *Confidentiality.* – The right to privacy of the child shall be
15 ensured at any stage of the investigation, prosecution and trial of an offense
16 under this Act. Towards this end, the following rules shall be observed:

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

21 (b) The name and personal circumstances of the child or any other
22 information tending to establish his/her identity shall not be disclosed to the
23 public;

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

27 (1) Members of the court staff for administrative use;

28 (2) The prosecuting attorney;

1 (3) Defense counsel;

2 (4) The guardian *ad litem*;

3 (5) Agents of investigating law enforcement agencies; and

4 (6) Other persons as determined by the court;.

5 (d) Any child pornography material that is part of the court records
6 shall be subject to a protective order that provides as follows:

7 (1) Child pornography materials may be viewed only by the parties,
8 their counsel, their expert witness and guardian *ad litem*;

9 (2) No child pornography material, or any portion thereof, shall be
10 divulged to any other person, except as necessary for the investigation,
11 prosecution or trial; and

12 (3) No person shall be granted access to the child pornography material
13 or any part thereof unless he/she signs a written affirmation that he/she has
14 received and read a copy of the protection order; that he/she submits to the
15 jurisdiction of the court with respect to the protective order; and that in case of
16 violation thereof, he/she will be subject to the contempt power of the court;
17 and

18 (e) In cases when prosecution or trial is conducted behind closed
19 doors, it shall be unlawful for any editor, publisher and reporter or columnist in
20 case of printed materials, announcer or producer in case of television and
21 radio, producer and director of a film in case of the movie industry, or any
22 person utilizing the tri-media facilities or information technology to cause
23 publicity of any case of child pornography.

24 SEC. 12. *Common Penal Provisions.* –

25 (a) The penalty provided under this Act shall be imposed in its
26 maximum period if the offender has been previously convicted under this Act.

1 (b) When the offender is a corporation, partnership or association, the
2 officer or employee thereof who is responsible for the violation of this Act
3 shall suffer the penalty imposed in its maximum period.

4 (c) When the perpetrator is an ascendant, parent, guardian, step-parent
5 or collateral relative within the second degree of consanguinity, the
6 perpetrator thereof who is responsible for the violation of this Act shall suffer
7 the penalty imposed in its maximum period.

8 (d) The penalty provided for in this Act shall be imposed in its
9 maximum period if the offender is a public officer or employee: *Provided,*
10 That if the penalty imposed is *reclusion perpetua* or *reclusion temporal*, then
11 the penalty of perpetual or temporary absolute disqualification shall also be
12 imposed.

13 (e) Any attempt to commit any of the prohibited acts under Section 4
14 hereof shall be punished by a penalty two (2) degrees lower than that
15 prescribed for the consummated acts.

16 (f) If the offender is a foreigner, he/she shall be immediately deported
17 after serving his/her sentence and be barred permanently from entering the
18 country.

19 (g) In all cases, any person found guilty of providing venue for the
20 commission of prohibited acts under Section 4 hereof shall be treated as a
21 principal and penalized as such.

22 (h) Any person found guilty of facilitating the commission of any
23 prohibited acts shall be punished with a penalty two (2) degrees lower than that
24 prescribed by the offense.

25 (i) Any business establishment used in the commission of the
26 prohibited acts provided herein shall be immediately closed, the authority or
27 license to operate cancelled, without prejudice to the forfeiture of the proceeds
28 and investments, and without prejudice to the prosecution of the owner,

1 president, managers or responsible officer who participated in the commission
2 of the offense or who shall knowingly permit or fail to prevent its commission.

3 SEC. 13. *Penalties and Sanctions.* – The following penalties and
4 sanctions are hereby established for the offenses enumerated in this Act:

5 (a) Any person found guilty of violating Section 4(a), (b), (c) and (d) of
6 this Act shall suffer the penalty of *reclusion temporal* in its maximum period
7 and a fine of not less than One million pesos (P1,000,000.00) but not more
8 than Two million pesos (P2,000,000.00);

9 (b) Any person guilty of violating Section 4(e) shall suffer the penalty
10 of *reclusion temporal* in its minimum period and a fine of not less than Five
11 hundred thousand pesos (P500,000.00) but not more than One million pesos
12 (P1,000,000.00);

13 (c) Any person found guilty of violating Section 4(f) shall suffer the
14 penalty of *prision mayor* in its maximum period and a fine of not less than
15 Three hundred thousand pesos (P300,000.00) but not more than Five hundred
16 thousand pesos (P500,000.00);

17 (d) Any person found guilty of violating Section 4(g) shall suffer the
18 penalty of *prision mayor* in its medium period and a fine of not less than One
19 hundred thousand pesos (P100,000.00) but not more than Three hundred
20 thousand pesos (P300,000.00);

21 (e) The owner, head, president, partner, manager or responsible officer
22 of any ISP or Internet content host who shall knowingly, willfully or
23 intentionally fail to perform his/her duties under Sections 5 and 6 of this Act
24 shall suffer the penalty of *prision correccional* and a fine of not less than
25 Fifty thousand pesos (P50,000.00) but not more than One hundred thousand
26 pesos (P100,000.00);

1 (f) Any person found guilty of violating Section 8 of this Act shall pay
2 a fine of not less than Thirty thousand pesos (P30,000.00) but not more than
3 Fifty thousand pesos (P50,000.00); and

4 (g) Any person found guilty of violating Section 11(e) hereof shall
5 suffer the penalty of *arresto mayor* in its maximum period and a fine of not
6 less than Thirty thousand pesos (P30,000.00) but not more than Fifty thousand
7 pesos (P50,000.00).

8 SEC. 14. *Who May File a Complaint.* – Complaints on cases of child
9 pornography and other offenses punishable under this Act may be filed by the
10 following:

11 (a) Offended party;

12 (b) Parents or guardians;

13 (c) Ascendant or collateral relative within the third degree of
14 consanguinity;

15 (d) Officer, social worker or representative of a licensed child-caring
16 institution;

17 (e) Officer or social worker of the Department of Social Welfare and
18 Development (DSWD);

19 (f) Local social welfare development officer;

20 (g) Barangay chairman;

21 (h) At least three (3) concerned responsible citizens where the violation
22 occurred; or

23 (i) Any person who has personal knowledge of the circumstances of the
24 commission of any offense under this Act.

25 SEC. 15. *Venue.* – A criminal action arising from a violation of this Act
26 shall be filed where the offense was committed, or where any of its elements
27 occurred, or where the child is found or actually resides at the time of the

1 commission of the offense: *Provided*, That the court where the criminal action
2 is first filed shall acquire jurisdiction to the exclusion of the other courts.

3 SEC. 16. *Authority to Regulate Internet Café or Kiosk.* – The local
4 government unit (LGU) of the city or municipality where an Internet café or
5 kiosk is located shall have the authority to monitor and regulate the
6 establishment and operation of the same or similar establishments in order to
7 prevent violation of the provisions of this Act.

8 SEC. 17. *Legal Protection to Victims of Child Pornography.* – The
9 child who is a victim of child pornography shall be recognized as a victim of
10 violent crime defined under Section 3(d) of Republic Act No. 7309, or “An
11 Act Creating a Board of Claims under the Department of Justice for Victims of
12 Unjust Imprisonment or Detention and Victims of Violent Crimes and for
13 Other Purposes” so that the child may claim compensation therein. The child
14 and family shall be entitled to protection as well as the rights and benefits of
15 witnesses under Republic Act No. 6981, or the “Witness Protection, Security
16 and Benefit Act”.

17 SEC. 18. *Mandatory Services to Child Pornography Victims.* – To
18 ensure recovery, rehabilitation and reintegration into the mainstream of
19 society, concerned government agencies and the LGUs shall make available
20 the following services to victims of child pornography:

21 (a) Emergency shelter or appropriate housing;

22 (b) Counseling;

23 (c) Free legal services, which shall include information about the
24 victim’s rights and the procedure for filing complaints, claiming compensation
25 and such other legal remedies available to them, in a language understood by
26 the child;

27 (d) Medical or psychological services;

28 (e) Livelihood and skills training; and

1 (f) Educational assistance.

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

5 SEC. 19. *Confiscation and Forfeiture of the Proceeds and Instruments*
6 *Derived from Child Pornography.* – In addition to the penalty imposed for
7 the violation of this Act, the court shall order the confiscation and forfeiture, in
8 favor of the government, of all the proceeds and properties derived from the
9 commission of the crime, unless they are the property of a third person not
10 liable for the unlawful act: *Provided, however,* That all awards for damages
11 shall be taken from the personal and separate properties of the offender:
12 *Provided, further,* That if such properties are insufficient, the balance shall be
13 taken from the confiscated and forfeited properties.

14 When the proceeds, properties and instruments of the offense have been
15 destroyed or diminished in value or otherwise rendered worthless by any act or
16 omission, directly or indirectly, of the offender, or it has been concealed,
17 removed, converted or transferred to prevent the same from being found or to
18 avoid forfeiture or confiscation, the offender shall be ordered to pay the
19 amount equal to the value of the proceeds, property or instruments of the
20 offense.

21 SEC. 20. *Programs for Victims of Child Pornography.* – The
22 Inter-Agency Council Against Child Pornography, created under Section 21 of
23 this Act, shall develop and implement the necessary programs that will prevent
24 child pornography, as well as protect, heal and reintegrate the child into the
25 mainstream of society. Such programs shall include, but not limited to, the
26 following:

1 (a) Provision of mandatory services including counseling, free legal
2 services, medical or psychological services, livelihood and skills training and
3 educational assistance to the child pursuant to Section 18 of this Act;

4 (b) Sponsorship of a national research program on child pornography
5 and other acts covered by the law and the establishment of a data collection
6 system for monitoring and evaluation purposes;

7 (c) Provision of necessary technical and material support services to
8 appropriate government agencies and nongovernmental organizations;

9 (d) Sponsorship of conferences and seminars to provide venue for
10 consensus building amongst the public, the academe, government,
11 nongovernmental and international organizations; and

12 (e) Promotion of information and education campaign.

13 SEC. 21. *Inter-Agency Council Against Child Pornography.* – There is
14 hereby established an Inter-Agency Council Against Child Pornography, to be
15 composed of the Secretary of the DSWD as chairperson and the following as
16 members:

17 (a) Secretary, Department of Justice (DOJ);

18 (b) Secretary, Department of Labor and Employment;

19 (c) Secretary, Department of Science and Technology;

20 (d) Chief, Philippine National Police;

21 (e) Chairperson, Commission on Human Rights;

22 (f) Chairperson, Commission on Information and Communications
23 Technology;

24 (g) Commissioner, National Telecommunications Commission;

25 (h) Executive Director, Council for the Welfare of Children;

26 (i) Executive Director, Philippine Center for Transnational Crimes;

27 (j) Executive Director, Optical Media Board;

28 (k) Director, National Bureau of Investigation; and

1 (I) Three (3) representatives from children's NGOs. These
2 representatives shall be nominated by the government agency representatives
3 of the Council, for appointment by the President for a term of three (3) years,
4 and may be renewed upon renomination and reappointment by the Council and
5 the President, respectively.

6 The members of the Council may designate their permanent
7 representatives, who shall have a rank not lower than assistant secretary or its
8 equivalent, to meetings, and shall receive emoluments as may be determined
9 by the Council in accordance with existing budget and accounting, rules and
10 regulations.

11 The DSWD shall establish the necessary Secretariat for the Council.

12 SEC. 22. *Functions of the Council.* – The Council shall have the
13 following powers and functions:

14 (a) Formulate comprehensive and integrated plans and programs to
15 prevent and suppress child pornography;

16 (b) Promulgate rules and regulations as may be necessary for the
17 effective implementation of this Act;

18 (c) Monitor and oversee the strict implementation of this Act;

19 (d) Coordinate the programs and projects of the various member
20 agencies to effectively address the issues and problems attendant to child
21 pornography;

22 (e) Conduct and coordinate massive information dissemination and
23 campaign on the existence of the law and the various issues and problems
24 attendant to child pornography;

25 (f) Direct other agencies to immediately respond to the problems
26 brought to their attention and report to the Council on the action taken;

27 (g) Assist in the filing of cases against individuals, agencies,
28 institutions or establishments that violate the provisions of this Act;

1 (h) Formulate a program for the reintegration of victims of child
2 pornography;

3 (i) Secure from any department, bureau, office, agency or
4 instrumentality of the government or from NGOs and other civic organizations
5 such assistance as may be needed to effectively implement this Act;

6 (j) Complement the shared government information system relative to
7 child abuse and exploitation, and ensure that the proper agencies conduct a
8 continuing research and study on the patterns and schemes of child
9 pornography which form the basis for policy formulation and program
10 direction;

11 (k) Develop the mechanism to ensure the timely, coordinated and
12 effective response to cases of child pornography;

13 (l) Recommend measures to enhance cooperative efforts and mutual
14 assistance among foreign countries through bilateral and/or multilateral
15 arrangements to prevent and suppress child pornography;

16 (m) Adopt measures and policies to protect the rights and needs of the
17 victims of child pornography who are foreign nationals in the Philippines;

18 (n) Maintain a database of cases of child pornography;

19 (o) Initiate training programs in identifying and providing the necessary
20 intervention or assistance to trafficked persons;

21 (p) Initiate training programs in identifying and providing the necessary
22 intervention or assistance to victims of child pornography;

23 (q) Submit to the President and the Congressional Oversight
24 Committee created herein the annual report on the policies, plans, programs
25 and activities of the Council relative to the implementation of this Act; and

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

1 SEC. 23. *Extradition.* – The DOJ, in consultation with the Department
2 of Foreign Affairs, shall endeavor to include child pornography among
3 extraditable offenses in future treaties.

4 SEC. 24. *Congressional Oversight Committee.* – There is hereby
5 created a Congressional Oversight Committee composed of five (5) Members
6 from the Senate and five (5) Members from the House of Representatives. The
7 Members from the Senate shall be appointed by the Senate President based on
8 the proportional representation from the parties or coalition therein with at
9 least one (1) Member representing the Minority. The Members from the
10 House of Representatives shall be appointed by the Speaker, also based on
11 proportional representation of the parties or coalitions therein, with at least one
12 (1) Member representing the Minority.

13 The Committee shall be headed by the respective chairpersons of the
14 Senate Committee on Justice and Human Rights and the House of
15 Representatives' Committee on Justice. The Secretariat of the Congressional
16 Oversight Committee shall come from the existing Secretariat personnel of the
17 Committees of the Senate and the House of Representatives concerned.

18 The Committee shall monitor and ensure the effective implementation
19 of this Act, determine inherent weakness and loopholes in the law and
20 recommend the necessary remedial legislation or administrative measures, and
21 perform such other duties and functions as may be necessary to attain the
22 objectives of this Act.

23 SEC. 25. *Appropriations.* – The amount necessary to implement the
24 provisions of the Anti-Child Pornography Act and the operationalization of the
25 Inter-Agency Council Against Child Pornography shall be included in the
26 annual General Appropriations Act.

1 SEC. 26. *Implementing Rules and Regulations.* – The Inter-Agency
2 Council Against Child Pornography shall promulgate the necessary
3 implementing rules and regulations within six (6) months from the effectivity
4 of this Act.

5 SEC. 27. *Separability Clause.* – If any part or provision of this Act is
6 declared invalid or unconstitutional, the other parts thereof not affected shall
7 remain valid sections, or provisions shall not be affected.

8 SEC. 28. *Repealing Clause.* – All laws, presidential decrees, executive
9 orders, administrative orders, rules and regulations inconsistent with or
10 contrary to the provisions of this Act are deemed amended, modified or
11 repealed accordingly.

12 SEC. 29. *Effectivity.* – This Act shall take effect fifteen (15) days
13 following its publication in two (2) newspapers of general circulation.

Approved,

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