

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9775
OTHERWISE KNOWN AS THE
ANTI-CHILD PORNOGRAPHY ACT OF 2009**

Pursuant to the authority vested in the Inter-Agency Council against Child Pornography under Section 20 of Republic Act No. 9775 otherwise known as the Anti-Child Pornography Act of 2009, the following Implementing Rules and Regulations (IRR) are hereby promulgated:

**RULE I
GENERAL PROVISIONS**

Section 1. **Title** – These rules and regulations shall be known as the “Implementing Rules and Regulations of 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 the child to special protection from all forms of neglect, abuse, cruelty, exploitation 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.

RULE II
DEFINITION OF TERMS

Section 3. ***Definition of Terms*** - As used in these rules and regulations, unless the context otherwise requires, the following terms shall be understood to mean:

- (a) "Act" refers to Republic Act No. 9775, otherwise known as the Anti-Child Pornography Act of 2009.
- (b) "Child" refers to a person below eighteen (18) years of age or over but is unable to fully take care of, or protect, 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.
- (c) "Child pornography" refers to any 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 sexual activities.
 - (d) "Council" refers to the Inter-Agency Council against Child Pornography (IACACP) created under Section 20 of the Act.
 - (e) "Explicit Sexual Activity" includes actual or simulated –
 - (1) 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.
 - (f) "Internet address" refers to a website, bulletin board service, internet chat room or news group, or any other internet or shared network protocol address.
 - (g) "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.

- (h) "Internet content host" refers to a person who, or entity that, hosts or who proposes to host internet content in the Philippines.
- (i) "Internet service provider (ISP)" refers to a person who, or entity that supplies or proposes to supply, an internet carriage service to the public.
- (j) "Grooming" refers to the act of preparing a child or someone who the offender believes to be a child for a sexual activity or sexual relationship by communicating any form of child pornography. It includes online enticement or enticement through any other means.
- (k) "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 a sexual activity or production of any form of child pornography.
- (l) "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.
- (m) "Person" refers to any natural or juridical entity.

RULE III
THE INTER-AGENCY COUNCIL AGAINST CHILD PORNOGRAPHY
(IACACP)

Section 4. ***Inter-Agency Council Against Child Pornography (IACACP)*** - The Inter-Agency Council against Child Pornography (IACACP) is established as the body that is primarily tasked to coordinate, monitor and oversee the implementation of the Act.

Section 5. ***Composition*** - The Council shall be composed of the following:

- (a) Secretary of the Department of Social Welfare and Development (DSWD) as Chairperson;
- (b) Secretary of the Department of Justice (DOJ);
- (c) Secretary of the Department of Labor and Employment (DOLE);
- (d) Secretary of the Department of Science and Technology (DOST);
- (e) Chief of the Philippine National Police (PNP);
- (f) Chairperson of the Commission on Human Rights (CHR);
- (g) Chairperson of the Commission on Information and Communications Technology (CICT);
- (h) Commissioner of the National Telecommunications Commission (NTC);
- (i) Executive Director of the Council for the Welfare of Children (CWC);

- (j) Executive Director of the Philippine Center for Transnational Crimes (PCTC);
- (k) Executive Director of the Optical Media Board (OMB);
- (l) Director of the National Bureau of Investigation (NBI); and
- (m) 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 re-nomination and reappointment by the Council and the President, respectively.

The Council shall elect a Vice Chairperson from among its members who shall preside in the absence of the Chairperson and his/her permanent representative.

The members of the Council may 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.

Section 6. ***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 the Act;
- (c) Monitor and oversee the strict implementation of the Act;
- (d) Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to child pornography;
- (e) Conduct and coordinate massive information dissemination campaign on the provisions of the law and the IRR, and the various issues and problems attendant to child pornography, both at the national and local levels, preferably with the participation of the Filipino children and youth as peer trainers and counselors;
- (f) Establish and maintain a database on child pornography activities and cases, to be shared among the concerned government agencies, without violating the right to privacy of the child and his/her family, and consistent with the provision of, standards, and procedures, for disclosure in Section 13 of the Act;
- (g) Set clear objectives and standards for data sharing, including but not limited to, policy and program development, monitoring the status of cases, implementation of the law, evaluation of the effectivity of the programs and services, and identification of key result indicators;

- (h) Develop a secure system of data sharing and coordination among agencies, and develop a uniform format for gathering data on child pornography, and for generating reports for information and monitoring, including but not limited to: the profiling of perpetrators; sex disaggregated data; the modus operandi of perpetrators; the medium of propagating child pornography; the circumstances that hinder, facilitate and accompany the incidence; and other relevant information;
- (i) Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on the action taken;
- (j) Assist in the filing of cases against individuals, agencies, institutions or establishments that violate the provisions of the Act;
- (k) Formulate a program for the reintegration of victims of child pornography;
- (l) 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 the Act;
- (m) Complement the shared government information system relative to child abuse and exploitation and ensure that the proper agencies conduct continuing research and study on the patterns and schemes of any form of child pornography which form basis for policy formulation and program direction;
- (n) Develop the mechanism to ensure the timely, coordinated and effective response to cases of child pornography;
- (o) 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;
- (p) Adopt measures and policies to protect the rights and needs of the victims of child pornography who are foreign nationals in the Philippines;
- (q) Participate in international fora for the exchange of information and knowledge, multilateral cooperation, and coordinated responsive action in combating child pornography;
- (r) Initiate training programs in identifying and providing the necessary intervention or assistance to victims of child pornography; and
- (s) Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of the Act.

Section 7. **Reportorial Functions** – Within sixty (60) days after the closing of each calendar year, the Council shall submit to the Office of the President and the Congressional Oversight Committee, the annual report on the policies, plans, programs and activities of the Council relative to the implementation of the Act.

Section 8. **Meetings of the Council** – The Council shall meet regularly at least once every quarter, and the venue for such meetings shall be agreed upon by the Council. Special meetings may be called by the Chairperson, as the need arises.

Section 9. **Implementation of the Law at Sub-National and Local Levels** – The Council shall develop mechanisms and partnerships to ensure the implementation of the law and these rules and regulations at the sub-national and local levels.

RULE IV SECRETARIAT

Section 10. **Organization** – The DSWD shall establish a Secretariat to assist the Council in the performance of its functions. The Secretary of the DSWD shall determine the organizational structure and staffing pattern of the Secretariat. The DSWD shall ensure the constitution of a Secretariat in the local levels and that appropriate knowledge, capability-building and project management tools and skills are possessed by the Secretariat in all levels.

RULE V ROLES AND RESPONSIBILITIES

Section 11. **Common Roles and Responsibilities of Council Member Agencies** – Consistent with their mandates, and in coordination with other Council Members and other national government agencies, all member government agencies shall have the following common roles and responsibilities:

- (a) Formulate policies and develop programs supportive and consistent with the objectives of the Act;
- (b) Enhance the capability of its officers and personnel involved in child pornography issues through appropriate training and staff support programs;
- (c) Undertake information, education and advocacy campaigns against child pornography, in coordination with the Department of Education, whenever appropriate;
- (d) Coordinate with, and tap existing structures and resources for addressing children's welfare and concerns;

- (e) Ensure sufficient appropriations for the effective implementation of the Act and provision of mandatory services; and
- (f) Document best practices as basis for policy formulation and program development.

Section 12. ***Specific Roles and Responsibilities of National Government Agencies as Members of the Council*** – The following national government agencies, which are member agencies of the Council, shall not be limited to, the following specific roles and responsibilities:

(a) Department of Social Welfare and Development (DSWD)

- (i) Provide, through its Field Offices, psycho-social counseling, temporary shelter and other support services to victims/survivors of child pornography and their families;
- (ii) Develop programs and other support interventions, such as skills training and livelihood service, whenever appropriate, to facilitate the recovery and reintegration of child pornography victims/survivors into their families and communities ;
- (iii) Provide social welfare services to Filipino victims of child pornography in other countries, through the DSWD Social Welfare Attaché and social workers posted in foreign countries, in coordination with the Labor Attaches of the DOLE, and the officials of the Philippine Embassy and Consular Offices, which services may include, but not be limited to stress management, repatriation and other appropriate psychosocial interventions for their protection and welfare;
- (iv) Provide technical assistance and conduct capability building activities for social welfare officers/social workers of LGUs, Local Chief Executives, Local Legislators, and NGOs;
- (v) Accredit NGOs that provide programs and services to ensure that they meet the standards set by the Department; and
- (vi) Provide temporary shelter and psycho-social services to foreign nationals who are victims of child pornography, as confirmed by the Bureau of Immigration.

(b) Department of Justice (DOJ)

- (i) Ensure the immediate investigation and prosecution of persons for violation of the Act, in accordance with the Rules of Criminal Procedure and other applicable laws, rules and regulations;
- (ii) Develop appropriate procedural rules and/or guidelines for the handling and prosecution of child pornography cases;
- (iii) Designate and train prosecutors who shall investigate and prosecute child pornography cases;

- (iv) Conduct capability-building activities in all levels of the National Prosecution Service (NPS) so as to ensure as far as practicable that there are prosecutors at the national level and in each provincial and city level of the NPS who have specialized training in the investigation and prosecution of child pornography cases;
- (v) Establish a mechanism for free legal assistance and medico-legal services for child pornography victims and survivors, in coordination with the DSWD, CHR, Integrated Bar of the Philippines (IBP), Department of Health (DOH), local government hospitals, and other NGOs and volunteer groups;
- (vi) Provide witness protection and benefit to victims of child pornography, their families, and their witnesses, subject to the qualifications and requirements prescribed by existing laws;
- (vii) Conduct, in coordination with other concerned stakeholders, training and continuing education programs, specifically for DOJ prosecutors, lawyers, and state counsels, public attorneys, NBI agents and other law enforcement officers on the proper investigation and prosecution of child pornography cases and related topics such as the use of electronic and/or digital evidence in trial and computer forensics;
- (viii) Receive, evaluate, process and investigate claims for compensation of victims of child pornography through the Board of Claims subject to the provisions of R.A. No. 7309 and other existing laws, rules and regulations;
- (ix) Review existing programs on the protection of child pornography victims and their families and recommend to the IACACP, whenever appropriate, the institution of new policies and measures for their enhancement ;
- (x) Conduct, as the Central Authority of the Republic of the Philippines, and in coordination with the DFA, negotiations for mutual legal assistance and extradition treaties with other countries to address cases of child pornography and related crimes; and
- (xi) Coordinate with and/or seek assistance from the Anti-Money Laundering Council (AMLC) on cases of child pornography with possible money laundering underpinnings.

(c) Department of Labor and Employment (DOLE)

- (i) Ensure the strict implementation of and compliance with existing laws, rules and guidelines relative to the employment of persons locally and overseas;
- (ii) Report cases of child pornography, involving employers and labor recruiters;
- (iii) Make available existing livelihood programs to the families of child pornography victims;

- (iv) Conduct public awareness programs and activities among employers and employees in the private sector, to prevent victimization and to suppress child pornography.

(d) Philippine National Police (PNP)

- (i) Undertake surveillance and investigation of persons suspected to be engaged in child pornography on its own or when public interest may require;
- (ii) Conduct capability-building activities for its members on gathering, preservation, and chain of custody of electronic and digital evidence;
- (iii) Provide technical assistance and support in the investigation of cases that cut across regional and international borders, including but not limited to training by local and international experts, acquiring the necessary hardware and software facilities, and networking services;
- (iv) Coordinate closely with various law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected child pornography offenders;
- (v) Develop guidelines for receiving criminal complaints and calls/requests for assistance to child pornography victims, investigation of child pornography cases, and rescue operation protocols;
- (vi) Direct and supervise the enforcement of its mandate under the Act and its rules and regulations;
- (vii) Formulate plans and programs for the prevention of child pornography;
- (viii) Integrate courses/subjects on the comprehensive, gender sensitive and child-friendly investigation and handling of child pornography cases in the program of instruction of training schools managed by the PNP;
- (ix) Establish an Anti-Child Pornography Section under the Women and Children Protection Desk (WCPD) in all city and municipal police stations that shall be responsible for the detection and investigation of child pornography cases;
- (x) Develop manuals and investigation protocols; and
- (xi) Issue directives and guidelines for the regular submission of reports on child pornography cases, in coordination with the DOJ and the DSWD, to support the establishment and maintenance of national databases, including the DSWD database of cases and the DOJ database of offenders.

(e) Commission on Human Rights

- (i) Conduct advocacy and training programs relating to anti-child pornography, among the AFP, PNP and the academic institutions;
- (ii) Investigate and recommend for prosecution violations of the Act;
- (iii) Provide legal and financial assistance to victims of child pornography;

- (iv) Integrate anti-pornography efforts in the Barangay Human Rights Action Center (BHRAC); and
- (v) Monitor government compliance to international human rights treaty obligations related to the suppression/elimination of child pornography, particularly the Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the Convention on the Protection of Migrant Workers and Members of Their Families, and the UN Convention Against Transnational Organized Crimes including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

(f) Council for the Welfare of Children (CWC)

- (i) Integrate in the national action plans for children, strategies to address child pornography, and ensure the adoption of such frameworks by the national government agencies, local government units and other stakeholders;
- (ii) Formulate and implement advocacy campaigns against child pornography;
- (iii) Integrate the indicators on child pornography within the macro monitoring system for children; and
- (iv) Actively advocate and participate in international and regional discussion and initiatives on child pornography, and include the same in all of its international commitments and policy pronouncements.

(g) Philippine Center on Transnational Crime (PCTC)

- (i) Serve as the focal point in international law enforcement coordination on child pornography, particularly with the INTERPOL;
- (ii) Provide technical assistance in the conduct of investigation of child pornography cases with transnational dimension; and
- (iii) Undertake strategic researches on the structure and dynamics of child pornography with transnational crime dimension, predict trends and analyze given factors for the formulation of individual and collective strategies for the prevention and detection of child pornography, and the apprehension of criminal elements involved.

(h) National Bureau of Investigation (NBI)

- (i) Investigate persons and establishments suspected to be engaged in child pornography activities, upon its own initiative and as public interest may

require, and file appropriate charges against child pornography offenders;

- (ii) Develop a protocol in handling child pornography cases;
- (iii) Conduct raid and rescue operation in coordination with the appropriate local government units and their social welfare and development offices;
- (iv) Strengthen the capability of NBI agents/investigators and personnel, and upgrade the facilities of the units handling child pornography and other computer crimes cases;
- (v) Provide technical assistance and capability building support on the gathering preservation and chain of custody of electronic and digital evidence, whenever properly requested in investigation and prosecution of child pornography cases;
- (vi) Coordinate with all the Council member agencies, and share intelligence information when necessary; and
- (vii) Foster cooperation and coordination with international police organizations and law enforcement agencies of other countries in the detection and apprehension of child pornography offenders, within or across national borders.

(i) Department of Science and Technology (DOST)

- (i) Support the Council in capacity-building activities particularly in its programs and projects to supplement the law enforcement aspect of the Act;
- (ii) Provide the assistance in the development of child-friendly materials as part of its information dissemination campaign against child pornography. Also support the Council in developing internet control measures and cyberspace regulations;
- (iii) Foster and promote the development of online-safety and knowledge-based product technologies to deter child pornography and help provide software and hardware support in coordination with other funding agencies (international and local) for the development of education/information modules for children/students, teachers, parents, and the general public;
- (iv) Provide technical assistance in the interconnection, sharing of databanks, and other cooperative action of government agencies in handling child pornography cases.

(j) Commission on Information and Communications Technology (CICT)

- (i) Issue directives, set standards, and promulgate rules and regulations, to institutionalize the monitoring and periodic reporting mechanisms for the regulation of ISP's and ICH's;

- (ii) Coordinate closely with all the Council member agencies for effective detection and investigation of suspected child pornography offenders;
- (iii) Issue directives, set standards, and promulgate rules and regulations, for effective public and private partnership initiatives against child pornography;
- (iv) Formulate and implement plans and programs to encourage the use of ICT in support of efforts and initiatives of the IACACP;
- (v) Assist government agencies in formulating and implementing policies, programs and the IACACP's campaign against child pornography;
- (vi) Coordinate with the concerned government agencies, LGUs and other NGOs for the enhancement of investigation, reporting, rescue techniques; and
- (vii) Disseminate guidelines to all its network members on policies and programs addressing issues on child pornography.

(k) National Telecommunications Commission (NTC)

- (i) Issue directives, set standards, and promulgate rules and regulations to institutionalize the monitoring and periodic reporting mechanisms against child pornography by the ISPs;
- (ii) Protect consumers against the misuse of telecommunications facilities that promote the proliferation of child pornography, and incorporate appropriate prevention measures in the service standards for the information and telecommunications providers;
- (iii) Issue directives, set standards, and promulgate necessary procedural rules for the preservation of evidence and/or log retention in coordination with the DOJ;
- (iv) Assist government agencies in formulating and implementing policies, programs and the Inter-Agency-Committee campaign against child pornography; and
- (v) Enlist the assistance of the telecommunication, broadcast and ICT sectors in the effective monitoring, reporting and investigation of child pornography cases.

(l) Optical Media Board (OMB)

- (i) Integrate the provisions of the Act in regulating optical media establishments including the process of granting or renewal of licenses for specific periods, or to deny, suspend, or cancel the same, for violations of the Act;
- (ii) Conduct inspections, by itself or in coordination with other concerned agencies, of establishments or entities under its jurisdiction for the detection of optical media-related activities that would constitute child pornography;

- (iii) Apply for or obtain search warrants from any court of law, or take into preventive custody any optical media and/or material or equipment, including parts, accessories and paraphernalia used for the mastering, manufacture or replication of optical media containing child pornography, including those media that are pandered as child pornography;
- (iv) Act as complainant in the criminal prosecution of violators of the Act in relation to RA No. 9239 or the "Optical Media Act of 2003";
- (v) Hear and resolve administrative cases, impose administrative sanctions including but not limited to the imposition of fines and penalties; confiscation of optical media; and suspension, non-renewal or cancellation of the license to operate and/or closure of establishments or entities that violate the provisions of the Act in relation to RA No. 9239;
- (vi) Share data on child pornography with other law enforcement agencies
- (vii) Assist government agencies in formulating and implementing policies and programs and the IACACP in its campaign against child pornography;
- (viii) Coordinate with the concerned government agencies, LGUs and other NGOs for the enhancement of investigation and reporting of child pornography cases; and
- (ix) Disseminate guidelines to all its network members, local and international, on policies and programs addressing issues on child pornography.

Section 13. ***Roles of Non-Government Organizations.*** The NGOs shall have the following roles:

- (a) Assist government agencies in formulating and implementing policies, programs and advocacy campaigns against child pornography;
- (b) Develop and disseminate information, education and communication (IEC) materials against child pornography;
- (c) Conduct capability-building activities for stakeholders and share their experiences and expertise in handling child pornography cases;
- (d) Undertake programs and activities for the prevention, investigation and prosecution of child pornography cases, in coordination with government agencies and local officials, when appropriate;
- (e) Undertake programs and activities for the rescue, recovery and reintegration of the victims of child pornography and provision of support services for their families in coordination with government agencies and local officials, when appropriate;
- (f) Document child pornography cases and best practices and models in combating child pornography;
- (g) Conduct researches and studies related to child pornography; and
- (h) Disseminate information guidelines to all its network members, local and international, on policies and programs addressing issues on child pornography.

Section 14. ***Roles and Responsibilities of Other Concerned National Government Agencies.*** — Consistent with their mandates under existing laws, the following agencies shall: (i) Integrate child pornography issues in their strategy and program formulation; (ii) Implement programs and services for the prevention and suppression of child pornography as well as for the protection of child pornography victims; (iii) Assist the Council in the conduct of information dissemination and training to frontline government agencies, NGOs and the general public; and (iv) Ensure sufficient appropriation for the effective implementation of the Act, especially with regard to the provision of mandatory services.

They shall likewise have the following roles and responsibilities:

(a) Department of Foreign Affairs (DFA)

- (i) Make available its domestic and overseas resources and facilities overseas and to provide services for Filipino victims and survivors of child pornography;
- (ii) Explore means to further enhance its assistance in eliminating child pornography activities through closer networking with government agencies, non-government organizations, and other institutions in the country and overseas, particularly in the formulation of policies and implementation of relevant programs;
- (iii) Actively participate in bilateral, regional and international initiatives and cooperative arrangements aimed at suppressing child pornography, tracking, arresting and prosecuting offenders, assisting victims of child pornography, and monitoring inter-country adoption cases;
- (iv) Further improve and enhance the security and reliability of Philippine-issued passports, visas and travel documents in order to curtail child pornography perpetrated through the use of fraudulent identification, to properly and strictly identify travelers, and to restrict the movement of would-be victims and offenders alike.
- (v) Integrate into the training and pre-departure orientation seminars for Foreign Service personnel a training module on child pornography.

(b) Department of the Interior and Local Government (DILG)

- (i) Conduct a systematic information dissemination, advocacy, and prevention campaigns against child pornography;
- (ii) Advocate and encourage the LGUs to issue directives, guidelines or ordinances regulating the establishments within their jurisdictions, and in coordination with the DSWD, develop model ordinances to prevent and suppress child pornography;
- (iii) Assist the Council in monitoring the implementation of the Act by local government units;

- (iv) Assist the LGUs in strengthening, activating and mobilizing existing child-focused committees, councils, similar organizations, and special bodies at the local level to prevent and suppress child pornography; and
- (v) Institutionalize a comprehensive, gender sensitive and child-friendly curriculum in the Philippine Public Safety College on the investigation and handling of child pornography cases.

(c) Department of Tourism (DOT)

- (i) Formulate and implement, in coordination with local government units, measures to stop sex tourism and other activities of tourism establishments that might contribute to child pornography; and
- (ii) Provide training and capacity-building activities to its staff and tourist security officers on surveillance, investigation, and rescue operation procedures and strategies.

(d) Department of Education (DepEd)

- (i) Integrate in the appropriate subject areas, core messages on child pornography in the elementary and secondary levels, by providing lesson exemplar, with emphasis on their implications and social costs to persons and country;
- (ii) Issue directives to the schools and related organizations to ensure strict implementation of the law;
- (iii) Conduct seminar workshops for the effective implementation of the law;
- (iv) Submit quarterly reports to the IACACP on cases of child pornography within schools;
- (v) Immediately report cases of child pornography to police authorities;
- (vi) Provide opportunities for victims of child pornography in the educational mainstream through the basic education, curricula, or alternative learning systems; and
- (vii) Provide education and raise consciousness among schoolchildren in order to discourage the use and buying of child pornography.

(e) Department of Health (DOH)

- (i) Make available its resources and facilities in providing free medical and psychosocial services to victims of child pornography which shall, at all times, be held confidential;
- (ii) Conduct capability-building activities for health service professionals in handling child pornography cases; and
- (iii) Assist in the conduct of a systematic information dissemination, advocacy, and prevention campaigns against child pornography.

(f) Department of Transportation and Communication (DOTC)

- (i) Provide guidelines for the land, sea and air transport providers to train their personnel in child pornography related issues;
- (ii) Standardize guidelines for monitoring child pornography in every port;
- (iii) Deputize its attached agencies to provide free transportation and assistance to child pornography victims; and
- (iv) Monitor the promotion or advertisement of child pornography on the Internet.

(g) Bureau of Immigration (BI)

- (i) Adopt measures for the apprehension of suspected child pornography offenders, both at the place of arrival and departure;
- (ii) Establish networks with LGUs for the effective apprehension of foreign nationals suspected to be child pornography offenders and their cohorts; and
- (iii) Develop and distribute materials containing advisory and other pertinent information to enhance awareness against child pornography.

(h) Philippine Commission on Women (PCW)

- (i) Assist the Council in the formulation and monitoring of gender-responsive policies addressing the issue of child pornography, in coordination with relevant government agencies;
- (ii) Assist in the development of gender responsive documentation system in coordination with other agencies and the National Statistical Coordination Board (NSCB) through its monitoring of the situation of women and girls particularly on child pornography; and
- (iii) Assist the Council in the formulation of prevention and reintegration programs.

(j) Overseas Workers Welfare Administration (OWWA)

- (i) Assist in the information and advocacy campaign among departing and on-site OFWs and their families through its Pre-Departure Orientation Seminar, Post-Arrival Orientation Seminar, and other educational activities locally and overseas
- (ii) Assist in the documentation of cases of child pornography and provide repatriation, psychosocial and other welfare services to overseas Filipino victims of child pornography and their families.

(k) Philippine Information Agency (PIA)

- (i) Enhance public awareness on child pornography, pertinent laws and possible actions to prevent victimization and re-victimization by developing communication advocacy plans, as well as printing and distributing appropriate information materials;
- (ii) Spearhead and provide training seminars to media practitioners to ensure the widest possible information dissemination, and optimize public awareness and participation in the battle against child pornography, as well as to protect the privacy rights of victims and their family members.
- (iii) Assist in the conduct of a systematic information dissemination, advocacy, and prevention campaigns against child pornography.

(l) Technical Education and Skills Development Authority (TESDA)

- (i) Formulate a special program to provide skills and enhancement training programs for victims of child pornography as part of their recovery, reintegration and mainstreaming program; and
- (ii) Assist in the conduct of a systematic information dissemination, advocacy, and prevention campaigns against child pornography through the distribution of anti-child pornography materials developed by the Council to public and private technical vocational institutions.

Section 15. **Assistance of Other Agencies and Institutions.** In implementing the Act and these IRR, the IACACP and the agencies concerned may seek and enlist the assistance of NGOs, people's organizations (POs), civic organizations and other volunteer groups.

Section 16. **Roles and Responsibilities of Local Government Units (LGUs).** The LGUs in all levels, consistent with their respective mandates under the Local Government Code, shall have the following roles and responsibilities:

- (a) Monitor and regulate the establishment and operation of internet cafés and kiosks or similar establishments in order to prevent violation of the provision of the Act;
- (b) Monitor and document cases of child pornography in their areas of jurisdiction, through their respective social welfare and development offices;
- (c) Undertake education and information campaigns to prevent and suppress child pornography;
- (d) Support the establishment of national databases, in coordination with the DOJ and the DSWD, through the regular submission of reports by the respective social welfare and development office;
- (e) Establish and support community-based initiatives which address child pornography;

- (f) Provide basic social services for the prevention, rescue, recovery, rehabilitation and reintegration/after care support services to victims of child pornography and their families;
- (g) Enact and implement ordinances or issuances aimed at providing protection and support to victims of child pornography and adopt measures to prevent and suppress child pornography cases, including the cancellation of licenses for their violation;
- (h) Coordinate with the Council and the DILG to ensure uniformity and consistency between the local ordinances or issuances and these Rules;
- (i) Ensure the participation of the Sangguniang Kabataan (SK), and the allocation of sufficient funds from the SK funds and resources for the initiatives against child pornography at the barangay level;
- (j) Strengthen, activate and mobilize existing child-focused committees, councils, similar organizations, and LGUs at the provincial, city, municipal and barangay levels to prevent and suppress child pornography cases; and
- (k) Assist in the filing of cases.

RULE VI
DUTIES TO REPORT, NOTICE AND INSTALLATION REQUIREMENTS,
AND OTHER RESPONSIBILITIES

Section 17. ***Duties of an Internet Service Provider (ISP).*** – All Internet Service Providers (ISPs) shall notify the PNP or the 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 Internet Service Provider (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 Internet Service Provider (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 purposes 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 Internet Service Providers (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 the Act.

Section 18. ***Responsibilities 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 the Act: *Provided, further*, That a disputable presumption of knowledge by mall owners/operators and owners or lessors of other business establishments is established if, through the exercise of ordinary diligence, mall owners/operators and owners or lessors of other business establishments should know or reasonably know that violations of the Act are being committed in their premises.

Photo developers, information technology (IT) 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 the Act.

Section 19. ***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 materials.

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 the 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 a conclusive evidence of willful and intentional violation thereof.

Section 20. ***Liability for Failure to Report Child Pornography.*** – Any person who is the owner, manager, partner, member of the board of directors, responsible officer and/or employee of the above mentioned business establishments who willfully and intentionally fails to comply with their duties and responsibilities as provided under this rule shall be liable for violation of Sections 9, 10 and 11 of the Act.

Section 21. ***Duty of Persons with Direct Knowledge of Child Pornography Activities.*** – 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.

**RULE VII
UNLAWFUL OR PROHIBITED ACTS,
COMMON PENAL PROVISIONS AND PENALTIES**

Section 22. ***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 intent to sell, distribute, publish, or broadcast;
- e) To knowingly, willfully, and intentionally provide a venue for the commission of prohibited acts such 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 23. **Penalties and Sanctions.** – The following penalties and sanctions are hereby established for offenses enumerated in the Act:

- a) Any person found guilty of syndicated child pornography as defined in Section 5 of the Act shall suffer the penalty of *reclusion perpetua* and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00).
- b) Any person found guilty of violating Section 4 (a), (b), (c) of the Act shall suffer the penalty of *reclusion temporal* in its maximum period 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 found guilty of violating Section 4 (d), (e), and (f) of the Act shall suffer the penalty of *reclusion temporal* in its medium period and a fine of not less than Seven hundred fifty thousand pesos (P750,000.00) but not more than One million pesos (P1,000,000.00);
- d) Any person found guilty of violating Section 4 (g) of the Act shall suffer the penalty of *reclusion temporal* in its minimum period and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Seven hundred thousand pesos (P700,000.00);
- e) Any person found guilty of violating Section 4 (h) of the Act shall suffer the penalty of *prision mayor* in its maximum 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 found guilty of violating Section 4 (i) of the Act shall suffer the penalty of *prision mayor* 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);
- g) Any person found guilty of violating Section 4 (j) of the Act shall suffer the penalty of *prision correccional* in its maximum period and a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Three thousand pesos (P300,000.00);
- h) Any person found guilty of violating Section 4 (k) of the Act shall suffer the penalty of *prision correccional* in its medium period and a fine of not less than One

hundred thousand pesos (P100,000.00) but not more than Two hundred fifty thousand pesos (P250,000.00);

- i) Any person found guilty of violating Section 4 (l) of the Act shall suffer the penalty of *arresto mayor* in its minimum period and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00);
- j) Any person found guilty of violating Section 11 of the Act shall suffer the penalty of *prision correccional* in its medium period 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) for the first offense. In the case of a 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 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 the Act shall suffer the penalty of a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00) for the first offense. In the case of subsequent offense, the penalty shall be a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) and revocation of its license to operate;
- l) Any mall owner or 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 the Act shall suffer the penalty of a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine of not less than Two million pesos (P2,000,000.00) but not more than Three million pesos (P3,000,000.00) and revocation of its license to operate and immediate closure of the establishment; and
- m) Any person found guilty of violating Section 13 of the Act shall suffer the penalty of *arresto mayor* in its minimum period and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00).

Section 24. ***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 the Act.

Section 25. **Common Penal Provisions.** –

- a) If the offender is an ascendant, parent, 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 *reclusion temporal* in its minimum period: Provided, That this provision shall not apply to Section 4 (g) of the 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 commission;
- 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 the Act shall be imposed in its maximum duration if the offender is a public officer or employee.

**RULE VIII
CONFIDENTIALITY**

Section 26. **Confidentiality.** - The right to privacy of the child shall be ensured at any stage of the investigation, prosecution and trial of an offense under the 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 persons:
 - (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 as well as, any other penalties for the violation of the Act and other existing applicable laws.
- (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 the Act.

The Rule on Examination of a Child Witness as well as other existing Rules of Procedure shall be suppletorily applied to protect the privacy of the child and the confidentiality of the proceedings, provided their provisions are consistent with the Act and these Rules.

RULE IX CARE, CUSTODY AND TREATMENT OF A CHILD VICTIM

Section 27. ***Responsibility of the DSWD.*** – The DSWD, and the local social welfare and development office (LSWDO), shall ensure that the child who is a victim of any form of child pornography is provided with appropriate care, assistance, and support for their recovery, rehabilitation, and reintegration, in accordance with existing laws.

The DSWD, through its Regional Offices, will provide technical assistance to, prescribe a reporting system, and shall monitor, the LSWDOs and the NGOs. Towards this end, the DSWD shall perform the following tasks:

1. Promulgate and enforce standards for accreditation of shelters, programs and services by LGUs and NGOs;
2. Develop and support coordinative mechanisms;
3. Develop indicators and guidelines for the recovery and rehabilitation of victims, to be used by LGU social workers for case management
4. Develop standards for the recruitment and training of para-social workers;
5. Develop modules and conduct capacity building activities, for social workers and other allied professionals, in handling victims of child pornography;
6. Develop reintegration programs that employ a holistic or total family approach and community risk assessment strategies;
7. Develop an integrated program for the recruitment and training of foster families that are healing, therapeutic and/or rehabilitative;
8. Design a service flow;
9. Develop a system for reporting, monitoring and maintenance of database; and
10. Such other tasks that are necessary and incidental to the delivery of the mandatory services to the victims of child pornography.

Section 28. ***Protective Custody of the Child Victim.*** – The DSWD, and the social worker, officer or representative of the local social welfare and development office (LSWDO) and the social worker, officer or representative of a licensed child-caring institution, shall immediately place the child victim under protective custody, pursuant to Republic Act No. 7610 and Executive Order No. 56, Series of 1986, and ensure that the child victim is provided with appropriate care, assistance, and support for their recovery, rehabilitation, and reintegration, in accordance with existing laws.

Section 29. ***Immunity of Officer Taking the Child Under Protective Custody.*** – In the regular performance of this protective custody function, the DSWD, and the social worker, officer or representative of local social welfare and development office (LSWDO), and the social worker or officer of a licensed child-caring agency, shall be free from any administrative, civil or criminal liability.

RULE X CLOSURE OF ESTABLISHMENTS AND ENTERPRISES ENGAGED IN CHILD PORNOGRAPHY

Section 30. ***Closure of Establishments Promote, Facilitate, or Conduct Activities Constituting Child Pornography, Obscene Publications and Indecent Shows, and Other Acts of Abuse.*** – Pursuant to Republic Act No. 7610, all establishments and enterprises which promote or facilitate child pornography, obscene publications and indecent shows, and other acts of abuse, shall be immediately closed and their authority or license to operate cancelled, by the DSWD and/or the LGUs, without prejudice to the owner or manager

thereof being prosecuted under the Act, Republic Act No. 7610, and/or the Revised Penal Code, as amended, or special laws. A sign with the words "OFF LIMITS" shall be conspicuously displayed outside the establishments or enterprises by the DSWD and/or the LGUs, for such period, which shall not be less than one (1) year, as the Department may determine. The unauthorized removal of such sign shall be punishable by *prision correccional*.

Pursuant to Section 6 of Republic Act No. 9231, the Secretary of Labor and Employment, or his/her duly authorized representative, may order the immediate closure of such establishment or enterprise, if such establishment or enterprise is engaged in prostitution or in obscene or lewd shows.

An establishment shall be deemed to promote or facilitate child pornography, obscene publications and indecent shows, and other acts of abuse, if the acts constituting the same occur in the premises of said establishment under the Act, RA 7610, or in violation of the Revised Penal Code, as amended. An enterprise such as a sauna, travel agency, or recruitment agency which: promotes the aforementioned acts as part of a tour for foreign tourists; exhibits children in a lewd or indecent show; provides child masseurs for adults of the same or opposite sex and said services include any lascivious conduct with the customers; or solicits children or activities constituting the aforementioned acts shall be deemed to have committed the acts penalized herein.

**RULE XI
PROTECTION, REHABILITATION AND REINTEGRATION OF VICTIMS**

Section 31. ***Mandatory Services to Victims of Child Pornography.*** – To ensure recovery, rehabilitation and reintegration into the mainstream of society, the following stakeholders shall make available the following services to victims of any form of child pornography:

MANDATORY SERVICES	RESPONSIBLE AGENCIES	
	PRIMARY RESPONSIBILITY	SECONDARY RESPONSIBILITY
Emergency Shelter or Crisis Center for Women and Children	LGUs	DSWD, NGOs
Counseling	DSWD	LGUs, NGOs
Free legal services, which shall include information about 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	DOJ	CHR, LGUs, NGOs

MANDATORY SERVICES	RESPONSIBLE AGENCIES	
	PRIMARY RESPONSIBILITY	SECONDARY RESPONSIBILITY
Medical Services	DOH, LGUs	DSWD, NGOs
Psychological Services	DOH, DSWD	NGOs
Livelihood and Skills Training	DOLE, TESDA, LGUs	NGOs
Educational Assistance	DepEd, CHED, LGUs	NGOs
Witness Protection*	DOJ	
Claims as Victims of Violent Crimes**	Board of Claims-DOJ	

*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 32. **Non-Discrimination.** – The LGUs shall provide the Mandatory Services to the child victims and their families, who are rescued and/or found within their areas of jurisdiction, regardless of their actual origin or habitual residence. Failure to provide such Mandatory Services shall constitute gross neglect of duty.

Section 33. **Programs.** – The Council 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 but is not limited to the following:

- (a) Ensure the 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 the 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) Ensure the 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.

RULE XII
REPORTING, DATA COLLECTION, AND DATA MANAGEMENT

Section 34. ***Duty to Report.*** – Any person who has direct knowledge of any form of child pornography activities shall have the duty to report any suspected child pornography materials to the proper authorities, including but not limited to the DSWD, to the LSWDO, to the police or other law enforcement agency, or to a Barangay Council for the Protection of Children.

Section 35. ***Immunity for Reporting.*** – Any person who, acting in good faith, shall report a case of child pornography shall be free from any civil or administrative liability arising therefrom. There shall be a presumption that any such person acted in good faith.

Section 36. ***Structures and Mechanism for Reporting.*** – Each Anti-Child Pornography Section under the Women and Children Protection Desk (WCPD) in all city and municipal police stations shall be responsible for the periodic reporting of the incidence of child pornography to the WCPD in Camp Crame, every quarter, or as often as may be required by the latter. The WCPD shall consolidate the data, and submit the same to the IACACP.

The LSWDO in all cities and municipalities shall be responsible for the periodic reporting of the cases of child pornography to the Regional Offices of the DSWD, every quarter, or as often as may be required by the latter. The DSWD shall consolidate the data in its Database of Cases, and submit the same to the IACACP.

The Office of the City and Provincial Prosecutors shall be responsible for the periodic reporting of the child pornography offenders to the DOJ, every quarter, or as often as may be required by the latter. The DOJ shall consolidate the data in its Database of Offenders, and submit the same to the IACACP.

RULE XIII
PROSECUTION

Section 37. ***Who may file a Complaint.*** – Complaints on cases of any form of child pornography and other offenses punishable under the Act and these Rules may be filed by the following:

- (a) Offended party;
- (b) Parents or guardians of the child;
- (c) Ascendant or collateral relative within the third degree of consanguinity of the child;
- (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 chairperson;

- (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 the Act.

Section 38. ***Appointment of Special Prosecutors.*** – The Department of Justice (DOJ) shall appoint or designate special prosecutors to prosecute cases for the violation of the Act.

The prosecutors shall undergo a training program developed by the Council in order for them to be equipped to prosecute cases for the violation of the Act.

Section 39. ***Institution of Criminal and Civil Actions.*** – The institution of criminal and civil action shall be governed by the Rules on Criminal Procedure and other issuances from the Supreme Court.

Section 40. ***Exemption from Filing Fees.*** The Council will advocate for the exemption from the payment of filing fees, when the victim of child pornography institutes a separate civil action for the recovery of civil damages.

Section 41. ***Venue.*** –The action may be filed in the place where the offense was committed or where any of its elements occurred Provided, that the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Section 42. ***Jurisdiction.*** – Jurisdiction over cases for the violation of the 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".

In provinces or cities where there are no Family Courts, jurisdiction over cases for the violation of the Act shall be vested with the Regional Trial Court.

RULE XIV CIVIL FORFEITURE AND RECOVERY OF CIVIL DAMAGES

Section 43. ***Confiscation and Forfeiture of the Proceeds, Tools and Instruments Used in Child Pornography.*** – In addition to the penalty imposed for the violation of the 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 the 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.

RULE XV INTERNATIONAL COOPERATION AGAINST CHILD PORNOGRAPHY

Section 44. ***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 the foreign state, it must inform the foreign state of any valid reason for not executing the request or for delaying the execution thereof: *Provided*, further, That the principles of mutuality and reciprocity shall, for this purpose, be at all times recognized.

Section 45. ***Extradition.*** – The DOJ, in consultation with the Department of Foreign Affairs (DFA), shall endeavor to include child pornography among extraditable offenses in future treaties.

RULE XVI FUNDING

Section 46. ***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.

All proceeds derived from as well as 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 proper implementation of the Act.

Section 47. ***Funding for Mandatory Services.*** – The LGUs shall ensure the inclusion of funds in the Local Investment Plan to ensure the full implementation of the

Mandatory Services for victims of child pornography and their families. Likewise, the LGUs are further mandated to integrate the Mandatory Services in their Annual Gender and Development (GAD) Plan.

RULE XVII
MISCELLANEOUS PROVISIONS

Section 48. ***Suppletory Application of the Revised Penal Code.*** – The Revised Penal Code, the Rules of Court, other laws and IRRs, shall be suppletorily applicable to these Rules.

Section 49. ***Separability Clause.*** – If any part of these Rules is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

Section 50. ***Repealing Clause.*** – All rules and regulations inconsistent with or contrary to the provisions of these Rules are deemed amended, modified or repealed accordingly.

Section 51. ***Effectivity.*** – These Rules shall take effect after fifteen (15) days following its complete publication and filing, in accordance with law.

ANNEXES

Annex "A" TABLE OF OFFENSES AND PENALTIES

UNLAWFUL OR PROHIBITED ACTS	PENALTIES
1. To hire, employ, use, persuade, induce or coerce a child to perform in the creation or production of any form of child pornography [Section 4(a), R.A. 9775]	<i>Reclusion temporal</i> in its maximum period 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)[Section 15(b), R.A. 9775]
2. To produce, direct, manufacture, or create any form of child pornography [Section 4(b), R.A. 9775]	<i>Reclusion temporal</i> in its maximum period 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) [Section 15(b), R.A. 9775]
3. To publish, offer, transmit, sell, distribute, broadcast, advertise, promote, export, and import any form of child pornography [Section 4(c), R.A. 9775]	<i>Reclusion temporal</i> in its maximum period 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) [Section 15(b), R.A. 9775]
4. To possess any form of child pornography with the intent to sell, distribute, publish, or broadcast: Provided, that, the possession of three (3) or more articles of child pornography of the same form shall be prima facie evidence of intent to sell, distribute, publish, or broadcast [Section 4(d), R.A. 9775]	<i>Reclusion temporal</i> in its medium period and a fine of not less than Seven hundred fifty thousand pesos (P750,000.00) but not more than One million pesos (P1,000,000.00) [Section 15(c), R.A. 9775]
5. To knowingly, willfully, and intentionally provide a venue for the commission of prohibited acts such as, but not limited to, dens, private rooms, cubicles, cinemas, houses, or in establishments purporting to be a legitimate business [Section 4(e), R.A. 9775]	<i>Reclusion temporal</i> in its medium period and a fine of not less than Seven hundred fifty thousand pesos (P750,000.00) but not more than One million pesos (P1,000,000.00) [Section 15(c), R.A. 9775]
6. For film distributors, theaters, and telecommunication companies, by themselves or in cooperation with other entities, to distribute any form of child pornography [Section 4(f), R.A. 9775]	<i>Reclusion temporal</i> in its medium period and a fine of not less than Seven hundred fifty thousand pesos (P750,000.00) but not more than One million pesos (P1,000,000.00) [Section 15(c), R.A. 9775]

UNLAWFUL OR PROHIBITED ACTS	PENALTIES
7. 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 [Section 4(g), R.A. 9775]	<i>Reclusion temporal</i> in its minimum period and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Seven hundred thousand pesos (P700,000.00) [Section 15(d), R.A. 9775]
8. To engage in the luring or grooming of a child[Section 4(h), R.A. 9775]	<i>Prision mayor</i> in its maximum 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) [Section 15(e), R.A. 9775]
9. To engage in the pandering of child pornography [Section 4(i), R.A. 9775]	<i>Prision mayor</i> 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) [Section 15(f), R.A. 9775]
10. To willfully access any form of child pornography [Section 4(j), R.A. 9775]	<i>Prision correccional</i> 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) [Section 15(g), R.A. 9775]
11. To possess any form of child pornography [Section 4(l), R.A. 9775]	<i>Arresto mayor</i> in its minimum period and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00) [Section 15(i), R.A. 9775]
12. To conspire to commit any of the prohibited acts stated in Section 4 of the Act (or numbers 1 to 11 above) [Section 4(k), R.A. 9775]	<i>Prision correccional</i> in its medium period and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred fifty thousand pesos (P250,000.00) [Section 15(h), R.A. 9775]
13. Syndicated child pornography [Section 5, R.A. 9775]	<i>Reclusion perpetua</i> and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00) [Section 15(a), R.A. 9775]
14. Willfully and knowingly failing to comply with the duties of an Internet Service Provider [Section 9, R.A. 9775]	Fine not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine of not less than One million pesos

UNLAWFUL OR PROHIBITED ACTS	PENALTIES
	(P1,000,000.00) but not more than Two million pesos (P2,000,000.00) and revocation of its license to operate [Section 15(k), R.A. 9775]
15. Willfully and knowingly failing to comply with the responsibility of the mall owner/operator and owner or lessor of other business establishments, including photo developers, information technology professionals, credit card companies and banks [Section 10, R.A. 9775]	Fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine of not less than Two million pesos (P2,000,000.00) but not more than Three million pesos (P3,000,000.00) and revocation of its license to operate and immediate closure of the establishment [Section 15(l), R.A. 9775]
16. Willfully and knowingly failing to comply with the duties of an Internet Content Host [Section 11, R.A. 9775]	<i>Prision correccional</i> in its medium period 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) for the first offense. In the case of a 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 to operate and immediate closure of the establishment [Section 15(j), R.A. 9775]
17. Violation of confidentiality [Section 13, R.A. 9775]	<i>Arresto mayor</i> in its minimum period and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00) [Section 15(m), R.A. 9775]

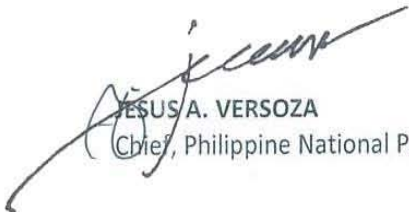
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