



Republic of the Philippines
CARAGA Region XIII
Province of Surigao del Norte
Municipality of San Benito



Office of the 10th Sangguniang Bayan

AN EXCERPT FROM THE MINUTES OF THE 48th REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN MEMBERS OF THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE HELD AT SANGGUNIANG BAYAN SESSION HALL ON DECEMBER 16, 2024 AT EXACTLY 2:00 O' CLOCK IN THE AFTERNOON

PRESENT:

Hon. Wellybel A. Requirme
Hon. Cindy R. Agati
Hon. Charlito E. Mendavia
Hon. Aldrein C. Glimane
Hon. Felix B. Sumando Sr.
Hon. Delfin P. Labola
Hon. William A. Polican
Hon. Jayrom P. Caballejos
Hon. Ruella T. Rulete
Hon. Aira Mae C. Galano

Mun. Vice Mayor/ Presiding Officer
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Membe
Sangguniang Bayan Member
Ex-Officio / LNMB President
Ex-Officio / SKF President

ABSENT:

Hon. Puyat P. Sumando

Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. 176-24 Series of 2024

“AN ORDINANCE PROHIBITING ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) AND CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (CSAEM) IN THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE; INSTITUTIONALIZING PROGRAMS FOR ITS PREVENTION AND ERADICATION AND PROVIDING PENALTIES THEREOF; THEREAFTER, ESTABLISHING A SUPPORTIVE ENVIRONMENT FOR CHILD VICTIMS, AND PROVIDING FUNDS THEREOF”

WHEREAS, Section 3, Article XV of the 1987 Philippine Constitution provides that” the state shall defend the rights of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development”.

WHEREAS, RA 7610 or the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act” provides that it is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child, exploitation and discrimination;

WHEREAS, RA 7160 or the Local Government Code of 1991, states that Every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balance ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, RA 7160 or the Local Government Code of 1991, provides that the Sangguniang Bayan, Sangguniang Panlungsod, and Sangguniang Panlalawigan, as the legislative bodies of the Municipality, City, and Provinces, respectively, shall enact, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to section 16 of this code and in the proper exercise of the powers of the city as provided for under section 22 of this Code;

WHEREAS, R.A No. 11930 or the “Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual abuse or Exploitation Materials (CSAEM) Act” provides that Local government shall pass an ordinance to localize efforts against OSAEC and CSAEM, take account local culture and norms, institutionalize community-based initiatives that address OSAEC and CSAEM at the barangay level, establish OSAEC and CSAEM prevention programs that aim to educate families against OSAEC and CSAEM, and provide a holistic local program for rehabilitation and reintegration under the local social welfare and development office including support and protection for victims and survivors;

WHEREAS, R.A No. 11930 or the “Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act” declared it to be the policy of the State to provide special protections children from all forms or sexual violence, abuse and exploitation especially those committed with the use of information and communications technology (ICT), provide sanctions for their commissions and carry out programs for the prevention, deterrence and intervention in all situations of online sexual abuse and exploitation of children in the digital and non-digital production, distribution or possession of child sexual abuse or exploitation material;

WHEREAS, R.A No. 11862 or Expanded Anti-Trafficking Act of 2022 was signed into law by President Rodrigo Duterte on 23 June 2022 which provided for the definition of Online Sexual Abuse of Exploitation of Children (OSEC) and Child Sexual Abuse and exploitation Materials (CSEM) or Child Sexual Abuse Material (CSAM);

WHEREAS, Section 33 of R.A. 11930 or the Anti Online Sexual Abuse and Exploitation of Children Law provides that Local Governments Shall pass an Ordinance to localize efforts against OSAEC and CSAEM, take into account local culture and norms, institutionalize community based initiatives that address OSAEC and CSAEM at the barangay level, establish OSAEC and CSAEM prevention programs that aims to educate families against OSAEC and CSAEM and provide a holistic local program for rehabilitation and reintegration under the local services welfare and development office including support and protection for victims and survivors;

WHEREAS, the municipality of **San Benito** has and continues to demonstrate exemplary child friendly governance;

WHEREAS, the internet has been a positive catalyst for innovation, education, and economic growth, however, it has also enabled those who would harm children by making it easier for them to produce, access and share sexual abuse materials; to find like-minded offenders and reduce their risk of detection;

WHEREAS, DILG MC No. 2024-094, date July 10, 2024, integrates the enactment of local ordinance against OSAEC and CSAEM as one of the indicators of the Child-Friendly Local Governance Audit (CFLGA)

WHEREAS, the adoption of stronger legislative measures in support of online safety of children in the municipality of San Benito will pave the way for the protection and development of the child and it will enhance local governance and strengthen the child protection if survivors are capacitated for leadership development, advocacy and participation;

NOW THEREFORE, be it ordained by the Sangguniang Bayan of San Benito in session assembled that;

Section 1. Short Title – This Ordinance shall have known as the “An ordinance Prohibiting Online Sexual Abuse and Exploitation of Children Sexual Abuse and Exploitation Materials in the Municipality of San Benito.

Section 2. Scope and Application – This Ordinance covers all households, internet and allied business establishment, private business establishment, government agencies and its facilities within municipality of San Benito.

Section 3. Declaration of Policy – The Municipality of San Benito hereby declares as policy that:

- a. Each child is protected against the ill- effects of and the dangers unsafe internet use and prevent online abuse and sexual exploitation;
- b. Families, parents and guardians and their children are educated and well- informed about positive parenting, specifically, guiding their children on the use and the adoption of internet on online- offline safety behaviors;
- c. Persons in government offices and other public and private institutions are educated on OSAEC as it evolves and how to respond to technology- based trafficking in persons and are capacitated to respond according to their mandates;
- d. Online business and other allied services/enterprise, such as, but limited to data providers, money transfer, IT equipment providers and internet installer are compliant to existing laws and its provisions in ensuring online safety.

Section 4. Definition of Terms – For purpose of this Ordinance, the following terms and phrases shall mean:

- a. **“Child”** refers to a person below eighteen (18) years of age or over but is unable to fully care of himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

A child shall also refer to:

- a. 1 A person regardless of age who is presented, depicted or portrayed as a child refined herein;
- a. 2 Computer- generated, digitally or manually crafted images or graphics of a person who is represented or who is made to appear to be a child as defined herein.

b **“Child sexual abuse”** refers to any form of communication through any platform format, or any physical interaction between child and any person when the child is being used for any act or activity inducing sexual stimulation or for the purpose of sexual gratification or in pursuit of the desires to have carnal knowledge of the child, regardless of the gender of the perpetrator or the victim.

c **“Child sexual exploitation”** refers to any of the following acts even if consent appears to have been granted by the child:

- a. Child sexual abuse with the consideration whether monetary or nonmonetary consideration, favor, or benefit in exchange for the opportunity to perform such abusive or exploitive act;
- b. Actual sexual intercourse with a child or children with or without consideration;
- c. Employing fraud, machination, undue influence. Intimidation, threat or deception by any person to commit sexual abuse or sexual intercourse with a child or children: or
- d. . Any other similar or analogous acts related to child abuse, cruelty, or exploitation or to be responsible for other conditions prejudicial to the development of the child.

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

e. ***“Internet café or kiosk”*** refers to an establishment that offers or purpose 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. This includes machines such as *piso-net*, etc.

f. ***“Online Sexual Abuse and Exploitation of children (OSAEC)”*** refers to the usage of digital or analog communication and ICT as means to abuse and exploit children sexually, which includes cases in which contact child abuse or exploitation offline is combined with an online component. This can also include the production, dissemination, and possession of CSAEM or CSAM; online grooming of children or sexual purpose; sexual exploitation of children; exploitation of children through online prostitution; and live-selling of sexual abuse, with or without the consent of the victim.

g. ***“Remittance Centers”*** refers to financial service providers that allow people to send or receive money to anyone within the country or abroad. They offer a traditional way to transfer money for Filipino without bank account, PayPal account, and/or internet connection.

h. ***“Sexual Abuse or exploitation material”*** refers to any online or offline representation whether visual, audio or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of child engaged or involved in real or simulated explicit sexual activities;

In the online platform, sexual abuse or exploitation material shall include visual or audio or written materials or a combination thereof which is distributed via email, text message, instant messaging, chat rooms, peer-to-peer file sharing networks, social media platforms, and unencrypted and encrypted communication apps or traded on password-protected sites, bulletin boards and forums.

i. ***“Videotaped In-Depth Interview (VIDI)”*** shall mean a video recorded inquiry or proceeding conducted by duly trained members of a multidisciplinary team or representatives of law enforcement or child protective services for the purpose of determining whether child abuse has been committed.

j. ***Trauma-Informed Care*** is an organizational structure and treatment framework that involves understanding recognizing, and responding to the effects of all types of trauma and seeking to employ practices that do not traumatize or re-traumatize (National Child Traumatic Stress Network, 2020).

k. ***Network of Care*** refers to a Trauma-Informed Network of Government and Private Facilities and Services providers within a region, offering Programs and Services for OSEC Survivors and their Families with a protocol that facilitates efficient and effective communication, coordination and collaboration in service delivery.

l. ***Foster Care*** refers to the provision of planned temporary substitute parental care to a child by a foster parent. While ***Foster Child*** refers to a child placed under foster care. ***Foster Family Care License*** refers to the document issued by the DSWD authorizing the foster parent to provide foster care. ***Foster Parent*** refers to a person, duly licensed by the DSWD, to provide foster care.

m. ***Kinship Care*** is full-time care of child by a relative or another member of the extended family.

n. ***Survivor Network*** an all-inclusive program for members in the Philippines from different case types of violence like child sexual abuse, commercial sexual exploitation, and online sexual exploitation of children, who desire and pursue safe communities through justice systems that protect the most vulnerable.

o. ***Local Survivor Group*** – A group of survivors in a specific region who have come together for cause and support one another. These groups may be affiliated with IJM, IJM partners, or others.

p. **Survivor Leadership-** Survivors are individuals with experiences and expertise to offer. Survivors can use their experience and expertise in a leadership capacity to empower and work with fellow survivors and community. Survivor Leadership means survivors are engaged as leaders who can shape programs or projects through their direct contribution; and survivors are impacting and leading the movement against violence and slavery.

Section 5. Prohibited Acts – The following are considered acts of online sexual abuse and exploitation of children and it shall be unlawful for any person to commit any of the following acts:

- a. Online child sexual abuse material – accessing, processing, producing and/or distributing images and/or videos of child sexual abuse;
- b. Grooming of children for sexual purposes – developing a relationship with a child to enable their sexual abuse and/or exploitation, either online or offline;
- c. Live-streaming sexual abuse of children- using online video applicants to view, and sometimes interact with the sexual abuse of children live;
- d. Sextortion: coercing and blackmailing children for sexual purpose- producing and/or utilizing sexual images and/or videos depicting a child, for the purpose of sexual, financial or other personal gains;
- e. Other unlawful or prohibited acts as provided under the Republic Act No. 9775 or “Anti- Child Pornography Act of 2022” and Republic Act No. 11930 or the “Anti Online Abuse and Exploitation of Children Law”

Section 6. Roles and Responsibilities of the LGUs. The Municipal Government of San Benito, shall:

- a. Monitor and regulate the establishment and operation of internet café and kiosks or similar establishments to prevent violations of the Act;
- b. Monitor and documents cases of OSAEC and CSAEM, through LSWDOs, and ensure the regular submission report to the DSWD Field Offices;
- c. Effect the cancellation of license of establishment, which violate the provision of the RA 11930 and other related- laws and policies;
- d. Undertake education and information campaigns to prevent and suppress OSAEC and CSAEM;
- e. Assist, coordinate, and partner with the Social Welfare Development Agencies (SWDAs) in enhancing their resources or technical capabilities to implement anti-OSAEC and CSAEM;
- f. Establish and support community-based initiatives and prevention programs that aim to educate families against OSAEC and CSAEM;
- g. Provide basic social services for the prevention, rescue, recovery, rehabilitation, and reintegration under the LSWDO, including after care support services to child victim survivors;
- h. Assist and refer families of child victim-survivors for local employment, whether private or public, through the Public Employment Service Office (PESO), in coordination with the DOLE, as part of the reintegration programs of the government;
- i. Enact and implement ordinances to localize efforts against OSAEC and CSAEM, taking into account local culture and norms;
- j. Coordinate with the NCC-OSAEC-CSAEM and the DILG to ensure uniformity and consistency between the local ordinances or issuances, the Act, and this IRR;
- k. Ensure the participation of the Sangguniang Kabataan (SK), and the allocation of sufficient funds from the SK funds and resources for the initiatives against OSAEC and CSAEM at the barangay level;
- l. Strengthen, activate, and mobilize existing child-focused committees (BCPCs, LCPCs and LCAT- VAWCs), councils, similar organizations, and LGU at the provincial, city, municipal, and barangay levels to prevent and suppress OSAEC and CSAEM;
- m. Assists and support in the filling of cases;
- n. Coordinate with, refer, and endorse to the DSWD and/or other relevant agencies of government all cases of OSAEC and CSAEM depending on the child victim-survivor’s needs; and
- o. Provide technical assistance to Barangay to ensure that they also adopt local ordinances against OSAEM- CSAEM.

Section 7. Mandatory Services to Victims of Child Sexual Abuse or Exploitation- The Municipal Social Welfare and Development Office (MSWDO) shall ensure that the child who is victim

of any form of child sexual abuse or exploitation is provided appropriate care, custody and support for their recovery and integration in accordance with existing laws.

The Child his family shall be entitled to protection as well as to the right and benefits of witness under Republic Act No. 6981, other known as "The Witness Protection, Security and Benefits Act"

To ensure recovery, rehabilitation and reintegration into the mainstream of society concerned government agencies and the barangays shall make available the following services to victims of any form of child sexual abuse or exploitation;

- i. Emergency shelter or appropriate housing;
- ii. Alternative family-based care like Foster care and Kinship Care
- iii. Counselling
- iv. Free legal services, which shall include information about the victim's rights and the procedure for filing of complaints, claims for compensation and such other legal remedies available to them in a language understood by the child;
- v. Medical and/or psychological services;
- vi. Educational Assistance
- vii. Support services to survivor empowerment, leadership development, advocacy and participation

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

Section 8. Case Referral- When a person has knowledge or information of facts or circumstances that a person is suspected to be a victim of OSAEC or other related trafficking or is about to be a victim or other related trafficking or is about to be a victim of the same, he or she may immediately report the case to any of the following:

- a. IACAT Action line through 1343;
- b. MAKABATA Helpline through 1343
- c. Barangay VAW Desk Officer;
- d. Members of the Local Council for the Protection of Children (LCPC);
- e. Committee on Anti- Trafficking and Violence against Women and their Children (LCAT-VAWC);
- f. P/C MSWDO;
- g. Local PNP;
- h. Other Law Enforcement Agencies;
- i. CSOs, NGOs, and faith-based organization

Section 9. Anti-Trafficking in Persons Database – The Municipality of San Benito through the P/C MCAT-VAWC (*or through LCPC*) shall monitor and documents cases of trafficking in persons which includes the OSAEM-CSAEM Cases within the municipality of San Benito.

The P/C/MCAT is hereby tasked to ensure the harmonization of its database, including data requirements, definitions, reporting formats, data collection system, and data verification system. Such database shall have, at the minimum, the following information;

- a. Number of cases of TIP, sorted according to the status of cases, including the number of cases being investigated, submitted for prosecution, dropped, and filled, and filled and/or pending before the courts and the number of convictions and acquittals;
- b. Demographic profile/information on each case (sex and age disaggregated);
- c. Number of victims of TIP referred to the agency by destination countries/areas and by area of origin (sex and age disaggregated)

Section 10. Responsibility of Mall Owners/Operators and Owners or Lessors of Other Business Establishments- All mall owners/operators, and owners or lessors of the other similar business establishment, like hotels, resorts, etc. shall notify the Local PNP of the Municipality of San Benito or the NBI within 48 hours from obtaining facts and circumstances that the child sexual abuse or exploitation is being committed in their premises. Provided, that public display of any form of child

sexual abuse or exploitation within their premises is a conclusive presumption of the knowledge of the establishment owners/operators and owners or lessors; Provided further, that a disputable presumption of knowledge by the owners/operators and owners lessors of other business establishment should know or reasonably know that a violation of this Ordinance is being committed in their premises.

Photo developer, information technology professionals, credit cards companies, remittance centers and banks, and any person who has direct knowledge of any form of child sexual abuse or exploitation activities shall have the duty to report any suspected child sexual abuse or exploitation activities shall have the duty to report any suspected child abuse or exploitation materials or transactions to the proper authorities within 48 hours from discovery thereof.

Any willful and intentional violation of this provision shall be subject to the penalty provided under Section 21 of this Ordinance.

Section 11. Authority to regulate Internet Café or Kiosk – The LCPC, MSWDO and the Municipal PNP shall have the authority to monitor and regulate the establishment and operation of Internet café or kiosk, remittance centers, or similar establishment located within the LGU, to prevent violation of the provisions of this Ordinance.

All Internet café and kiosk, as well as money remittance centers, and all other establishment included in the preceding section should undergo a Seminar or Orientation on Online Sexual Exploitation and Abuse of Children (OSAEC), as a requirement prior to the issuance of a business permit, regardless of the kind of application whether it is new or renewal. Upon the discretion of the Business Permit and Licensing Office/Department, the said establishment may be used a provisional license for a period of not more than three (3) months prior to the completion of the aforementioned OSAEC Seminars.

Section 12. Programs for Victims of Child Sexual Abuse or Exploitation – The LCPC and MSWDO shall develop and implement the necessary programs that will reintegrate any form of child sexual abuse or exploitation, as well as protect, heal, and reintegrate the child into mainstream of society. Such program shall include but not limited to the following:

1. Provision of mandatory services including counselling, free legal services, medical or psychological services, livelihood and skills training and educational assistance to the child pursuant to Section 8 of this Ordinance;
2. Sponsorship of a national research program on any form of child sexual abuse or exploitation and other acts covered by the law and the establishment of a data collection system for monitoring and evaluation purposes;
3. Provision of necessary technical and material support services to appropriate government agencies and non-government organizations (e.g. mostly financial support for training, needs of MDTs and network of care);
4. Sponsorship of conferences and seminar to provide venue of consensus building amongst the public, the academe, government, nongovernmental and international organizations including the regional network of care;
5. Promotion of information and education campaign;
6. Survivor Empowerment, Leadership Development, Advocacy and Participation; and
7. Establishment of a survivor network and local survivor support group.

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

Section 13. Multi-disciplinary Case Management. In the handling and management of cases of child victims, the approach should be multi- disciplinary, and a multi-disciplinary, and a multi-disciplinary case conference (MDCC) shall be conducted.

- a. **Multi-disciplinary Case Management** bring together more than two groups of disciplines or professionals from different backgrounds and specializations and areas of expertise to organize and carry out work to address the holistic needs of the child survivor (and his/her family). It is a collaborative process of assessment, planning, implementation and review. (e.g. law enforcers, social worker; from the local and from the residential facility, psychologist, teachers and etc.)

- b. Multi-disciplinary Case Conference (MDCC) is a forum by which professionals having a major role in the handling of online child abuse and exploitation cases can share their professional knowledge, information or concern on the child (ren). The case conference analyses risk and recommends actions to be taken in relation to the welfare planning of the child(ren) and the family. All the information and discussion would be kept confidential.

Section 14. Trainings – Regular trainings and seminars shall be held to enable the members of the Council to function efficiently. Similar trainings shall also be provided to the following officials and volunteers for the purpose of equipping them with the necessary knowledge and skills to prevent and suppress OSAEC in their area of jurisdiction or to assists in the monitoring, investigation and prosecution of cases of OSAEC:

- a. Barangay VAW- Desk Officers;
- b. Law enforcement officials
- c. Social Workers
- d. Teachers and parents
- e. Barangay-based volunteer groups, such as women and youth groups.
- f. Other stakeholders.

Section 15. Trauma-Informed Care for Frontlines- In partnership with medical authorities and educational institutions, program for counselling and stress management shall be developed for social workers and other frontline OSAEC responders.

Section 16. Establishment of a Healthy and Child-Friendly Space (*or other existing child centers, temporary shelters in the LGU that can be used for the same purpose*) – The Municipality of San Benito shall establish a **Local Child Protection and Response Center (LCPRC)** that shall serve as a refuge for child victims in general. It shall provide for:

- a. Temporary shelter for abuse children
- b. Interview rooms
- c. Office for the municipal inter-agency Against Online Sexual Abuse and Exploitation of Children and its Secretariat

The LCPCR shall be provided with the adequate personal and administrative staff to effectively serve the best interest of children.

The LCPCR shall also serve as an assessment center shall serve as to address the gap in the provision of comprehensive and timely assessments for OSAEC survivor placement as the basis for other partners in the Network of Care to provide case management.

- a. The primary role of assessment centers is to provide a safe and temporary home for newly secured OSEC survivors where they can be received specialized services and support for the start of their recovery;
- b. The staff of the center are composed of a team of professional (social worker, psychologist, counselor, medical doctor and nurses) and paraprofessional (house parents, security personnel and administrative support staff) who provide critical care, specialized services and comprehensive assessment to newly rescued OSAEC survivors. These staff members are expected to intentionally care for the children during their whole stay in the assessment center whilst employing trauma- informed care to supports survivors in the recovery and development of attachment skills;
- c. Concurrently, a case management team composed of the center social worker, psychologist, nurse and medical doctor, alongside a law enforcement officer and lawyer, are designated to complete an individualized assessment of the child and his/her family.
- d. The critical assessment undertaken at the center include, but are not limited to; psychological assessment; medical assessment; psychological assessment and; family assessment. The comprehensive assessment of the child and his/her family are critical in determining the permanency plan for the child, be it reunification with relatives or reintegration through other avenues such as; foster care; independent living; or adoption;
- e. Through this center, the process of transitioning a child to a permanent placement option is expected to be fast-tracked rather than extending the child's stay long-term inside the shelter.

Note: in the absence of a LCPCR or its equivalent center, a specific room in the LGU shall be established in accordance with the requirements of a child friendly space that shall serve the purpose of promoting the best interest of child victims. In the alternative, Community Day Care Centers shall be utilized as a Child Friendly Space for processing and interview of children.

Section 17. Video In-Depth Disclosure Interview (VIDI) of the Child – To facilitate the proper assessment of the survivor and further support the prosecution of OSAEC Cases, the municipality of San Benito shall establish at least one (1) room specifically designated to conduct VIDI pursuant to Rule 28 and 29 of the Rules on the Examination of the Child Witness. Considering the requirements of a Child Friendly Space, the room shall be adequately established with the proper personnel and equipment such as but not limited to one-way mirrors, cameras, recorders, etc.

In the absence of a LCPCR, or a fully equipped facility or room, the VIDI may be conducted in the room assessed by the social worker to be fit for a child interview pursuant to the requirements of a **child friendly space**, with a **VIDI Mobile Kit**.

There shall also be established a multi-disciplinary team (MDT) that shall conduct VIDI on the child composed of the following: social worker, properly trained police officer/investigator, psychiatrist/psychologist/licensed physician. The MDT shall be adequately trained in conducting VIDIs to ensure that they have child protective mindset and that evidence derived from the same will be admissible in Court.

Section 18. VIDI Mobile Kit- The Local Police Station, Local Social Welfare and Development Office and the LCPCRC shall be provided with VIDI Mobile Kits which shall be comprised of the following:

- a. Video Camera with Charger and Case
- b. Tripod
- c. Laptop with Charger and Case
- d. Storage Media (SD Card and Flash Drives)
- e. Extension Cord
- f. Forms and Support Documents Folder
 - f.1. Informed Consent Form
 - f.2. Handling Long Sheet
 - f.3. Interview Guide and Script
 - f.4. Sample Joint Affidavit of Interviewer and Social Worker
 - f.5. Blank Acknowledgement Receipts

Section 19. Local Anti-OSAEC Prevention and Awareness Programs. The Municipality of San Benito shall conduct a robust prevention and awareness program involving all sectors in the community to combat OSAEC. The Local Government shall declare a day in September as Anti-OSAEC Day to increase awareness against the crime, and in line with the celebration of Family Month.

Section 20. Penalties. Without prejudice to penalties and fines as may be provided by other relevant laws, the following penalties for violations of any provisions of the Ordinance are hereby imposed as follows:

- a. First Offense: The offender violating the Ordinance shall be penalized with a fine of One Thousand Pesos (Php1,000.00) and undergo a mandatory OSAEC Seminar;
- b. Second Offense: The offender violating the Ordinance shall be penalized with a fine of Two Thousand Pesos (Php2,000.00) and undergo a mandatory OSAEC seminar; and
- c. Third Offense: The Offender violating the Ordinance shall be penalized with a fine of Two Thousand Five Hundred Pesos (Php2,500.00) and undergo a mandatory OSAEC Seminar and imprisonment.

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

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

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

Section 21. Funding. A minimum amount of Five Hundred Thousand Pesos (500,000.00Php) shall be allocated for the expenses for implementation of this Ordinance.

The operation and activities for the Council and established of the LCPC shall be considered as related to gender and development projects of the city and the funding therefore shall be part of the 5% gender and development fund for every year.

The funding, however, shall not be limited to be abovementioned source for so long as other sources may be available as permitted by law.

Partnership with NGOs, CSOs, and private enterprises/individuals is encouraged for the implementation of the Ordinance.

Section 22. Repealing Clause. The provisions of previous local enactment, resolutions, memoranda, circular, and other issuance inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 23. Separability Clause. Should any portion of this Ordinance declared ultra vires or unconditional by competent authority, the reminder not so affected shall continue to be in full force and effect as it is susceptible to enforcement and application.

Section 24. Effectivity. This Ordinance shall take effect upon its approval.

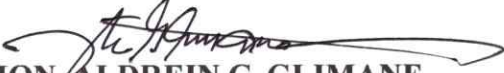
Let copies of this Ordinance be furnished the Office of the Municipal Mayor of San Benito, Surigao del Norte, Office of the MSWDO, PNP - San Benito, Surigao del Norte and all other concerned agencies for information and guidance.

ENACTED this, 16th day of December 2024 at the Sangguniang Bayan Session Hall, 3rd Floor, Legislative Building, San Benito, Surigao del Norte upon the motion of Sangguniang Bayan Member Charlito E. Mendavia duly seconded by Sangguniang Bayan Member Cindy R. Agati.
XX

We hereby certify to the correctness of the foregoing Ordinance.


HON. CINDY R. AGATI
SB Member

HON. CHARLITO E. MENDAVIA
SB Member


HON. ALDREIN C. GLIMANE
SB Member


HON. FELIX B. SUMANDO, SR.
SB Member


HON. DELFIN P. LABOLA
SB Member


HON. WILLIAM A. POLICAN
SB Member

HON. JAYROM P. CABALLEJOS
SB Member

HON. RUELLA T. RULETE
Ex-Officio / LNMB President

HON. AIRA MAE C. GALANO
Ex-Officio / SKF President

HON. WELLYBEL A. REQUIRME
Municipal Vice Mayor
Presiding Officer

ATTESTED:

MELQUIADES G. MANTILLA, MA, MPA
Municipal Government Department Head 1
Sangguniang Bayan Secretary

APPROVED:

Date: 12/18/2024

HON. Ma. GINA SUMANDO – MENIL, LCB
Municipal Mayor