

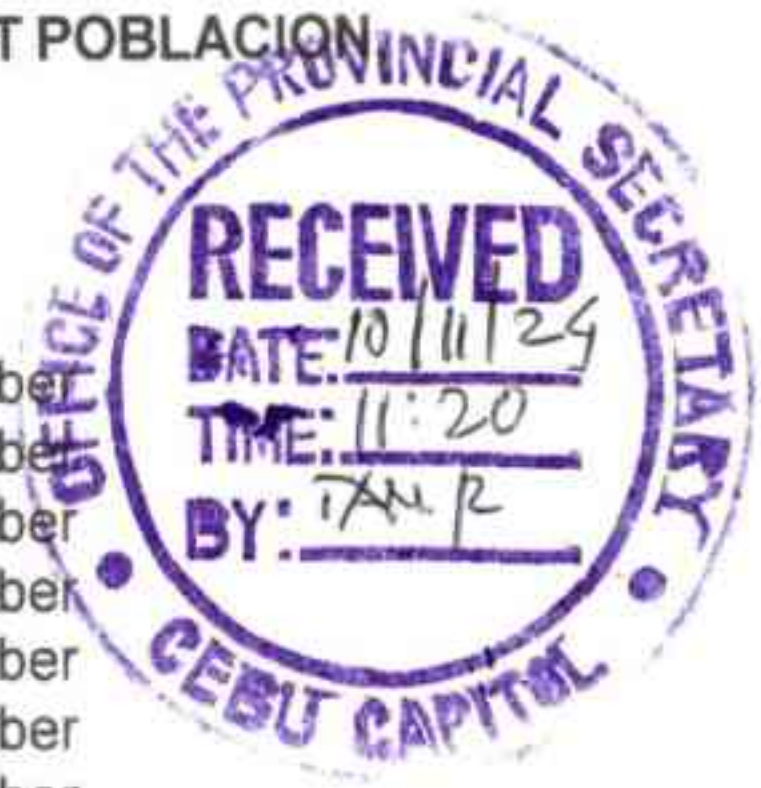


EXCERPT FROM THE MINUTES OF THE 111TH REGULAR SESSION OF THE 5TH SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION CITY OF NAGA, CEBU ON SEPTEMBER 24, 2024.

PRESENT:

HON. VIRGILIO M. CHIONG
HON. CARMELINO N. CRUZ, JR.
HON. ALEXANDER R. LARA
HON. AURELIO B. ALINSONORIN
HON. CHARMAINE R. NAVARRO
HON. RAY A. MANABAT
HON. JUSTINO L. DAKAY
HON. DOMINADOR A. LIBOR
HON. LETECIA F. ABANGAN
HON. ELMER JOHN R. LAPITAN
HON. FAITH JAMES B. SERVANO

- Vice Mayor /Presiding Officer
- Majority Floor Leader
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- SK Federation President



ON OFFICIAL BUSINESS:

HON. SCOTT JUVENAL A. CHIONG - Assistant Majority Floor Leader/Liga ng mga Barangay President

ON LEAVE:

HON. CLINT ISIDRO A. CHIONG - Presiding Officer Pro Tempore

ORDINANCE NO. 2024-48

Author: HON. CHARMAINE R. NAVARRO

Chairperson, Committee on the Welfare of Women and Children, LGBTQ and Gender Sensitivity and Family Relations

PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) IN THE CITY OF NAGA, CEBU WITH CORRESPONDING PENALTIES, PROVIDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS, AND PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

According to the Cybercrime Investigation and Coordinating Center (CICC), the Philippines is currently 'world number 2' in online sexual abuse and exploitation of children.

The Philippine Kids Online Survey found that 90% of Filipino children can access the internet whenever they want or need to, and 59% connect to the internet without supervision. It also revealed that 2 in 10 children are vulnerable to be victims of child online sexual abuse and exploitation.

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."

R.A. 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 to their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination.

Section 33 of R.A. 11930 or the Anti-Online Sexual Abuse and Exploitation of Children (OSAEC) Law provides that Local Government Units (LGUs) shall pass an ordinance to localize efforts against OSAEC and Anti-Child Sexual Abuse or Exploitation Materials (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.

NOW THEREFORE, BE IT ORDAINED, as it is hereby **ORDAINED** by the 5th Sangguniang Panlungsod (SP) of the City of Naga, Cebu, in a session duly assembled, by virtue of the powers vested in it by law, that:

[Handwritten signatures]

SECTION 1. SHORT TITLE - This Ordinance shall be known as "**PROHIBITING ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN IN THE CITY OF NAGA, CEBU OR ANTI-OSAEC AND CSAEM ORDINANCE.**"

SECTION 2. SCOPE AND APPLICATION - This Ordinance covers all households, internet and allied business establishments, private business establishments, government agencies and its facilities within the territorial jurisdiction of the City of Naga, Cebu.

SECTION 3. DECLARATION OF POLICY - The City of Naga, Cebu hereby declares as policy that:

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

SECTION 4. DEFINITION OF TERMS - For the purpose of this Ordinance, the following terms and phrases shall mean:

"Child" refers to a person below eighteen (18) years of age or those over but are unable to fully take care or protect of himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental, intellectual or sensory 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 as defined 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.

"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.

"Child Sexual Exploitation Material (CSEM) or Child Sexual Abuse Material (CSAM)" refers to any representation (e.g. photos, images, videos, recordings, streams), whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, depicting acts of sexual abuse or exploitation of a child or representation of a child as a sexual object. It shall also include materials that focus on real or simulated genitalia or private body parts of a child.

"Explicit Sexual Activity" includes actual or simulated -

As to form - 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;

- i. Bestiality;
- ii. Masturbation;
- iii. Sadistic or masochistic abuse;
- iv. Lasciviousness exhibition of the genitals, buttocks, breasts, public area and/or anus; or
- v. Use of any object or instrument for lascivious acts.

"Grooming" refers to the act of preparing a child or someone who the offender believes to be a child for sexual activity or sexual relationship by communicating any form of child pornography. It includes online enticement or enticement through any other means.

"Internet address" refers to a website, bulletin board service, internet chat room or news group, or any other internet or shared network protocol address.

"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 purposes of accessing the internet, computer games or related services.

"Internet content host" refers to a person who hosts or who proposes to host internet content in the Philippines.

"Internet and Communications Technology (ICT)" refers to the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information.

"Internet and Communications Technology Service Provider (ICT SP)" is a person or entity that captures, transmits, or displays or any combination thereof of voice, image, text or data and information electronically for the recording, processing, monitoring or transmission of voice or data, image or text or any communication thereof for use in data processing, transmission, duplication, text processing, document reproduction or transmission, record-keeping or retrieval, broadcasting or transmission for entertainment or information purposes of voice, image or text or any combination thereof and the provision of services relating to these.

"Live Streaming of Child Sexual Abuse" refers when there is a transmission of a child sexual abuse to a viewer/s in real time through "streaming" over the internet. Abuse video is transmitted instantaneously to the viewer, who can watch, engage, and even direct abuse while it is occurring. This can take both commercial and non-commercial forms.

"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 sexual activity or production of any form of sexual abuse or exploitation.

"Online Sexual Abuse and Exploitation of Children (OSAEC)" refers to the usage of digital or analog communication and ICT as means to abuse and exploit children sexually, which includes cases in which contact child abuse or exploitation offline is combined with an online component. This can also include the production, dissemination, and possession of CSAEM or CSAM; online grooming of children for sexual purposes; sexual extortion of children; sharing image-based sexual abuse, commercial sexual exploitation of children; exploitation of children through online prostitution; and live-streaming of sexual abuse, with or without the consent of the victim.

"OSAEC Customer" means any person who provides financial compensation to an OSAEC trafficker or child for any form of CSEM or for any in-person sexual exploitation of a minor.

"OSAEC Facilitator" means any person who procure children to do sexual acts online, usually parents, older siblings or relatives.

"OSAEC Trafficker" means any person who sexually abuses or exploits a child through the means of the internet through offering CSEM and/or a minor or adult for the purpose of hands-on sexual exploitation in exchange for compensation.

"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.

"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.

"Streaming" is a technology that consists of playing data before the entire file has been transmitted, sending the information directly to the computer or device of the recipient (via a webcam, audio interface, etc.) without any need to save the file onto a hard disk (although streaming material can also be recorded and saved to a file.) Unless the content is deliberately recorded, it is available only on the occasion and leaves no trace on the device once it has been viewed.

"Trafficking in Persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

"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.

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, possessing, producing and/or distributing images and/or videos of child sexual abuse;
- b. Grooming, luring and pandering of children for sexual purposes either online or offline;
- c. Live-streaming and streaming sexual abuse of children - using online video applications to view, and sometimes interact with the sexual abuse of children live;
- d. Sextortion: coercing and blackmailing children for sexual purposes- producing and/or utilizing sexual images and/or videos depicting a child, for the purposes of sexual, financial or other personal gains;
- e. Other unlawful or prohibited acts as provided under the Republic Act No 9775 or "Anti- Child Pornography Act of 2009, Republic Act No. 11862 or the "Expanded Anti- Trafficking in Persons Act of 2022" and Republic Act No. 11930 or the " Anti Online Abuse and Exploitation of Children Law"

SECTION 6. RESPONSIBILITY OF RESORTS, HOTELS, MOTELS AND OTHER SIMILAR ESTABLISHMENTS IN THE CITY - All resorts, hotels, motels and similar establishments located and doing business in the City of Naga, Cebu shall monitor and report to the barangay where the establishment is located, the City Social Welfare and Development Office and the City of Naga Police Station any child who is not a guest in their establishment but had entered and/or exited their establishments for a visit, especially during night time as well as the presence of minor students during class hours.

Said establishments must, upon check-in, identify all their guests and must ensure that any child listed as guest is a blood relative of the accompanying adult in accordance with R.A. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act. Said establishments must also monitor should a child guest or the adult guest of another room will transfer to another room for a visit, especially during night time.

The establishment shall designate its compliance officer to ensure the regular and timely submission of the data. Failure of resorts, hotels, and other similar establishments to comply with their responsibilities herein shall cause the revocation of their business permits and other licenses.

The establishment shall likewise post or install signages that minors must be accompanied by parents or their relatives upon checking into the facility.



The Local Council for the Protection of Children (LCPC) shall recommend to the Office of the City Mayor what data or information that establishments shall be required to submit as well as the frequency of the reporting and the form of the report provided that all data to be submitted shall comply with the Data Privacy law.

All of these establishments must put up a CCTV system to monitor their hallways and front desks.

SECTION 7. RESPONSIBILITY OF MONEY REMITTANCE AND TRANSFER CENTERS IN THE CITY - All money remittance and transfer centers in the City of Naga, Cebu shall monitor and report to the LCPC any remittance and/or withdrawal from their establishments wherein the recipient is receiving and/or withdrawing more or less similar minimal amount regularly in accordance to R.A. 9160, as amended, or the Anti-Money Laundering Act.

It shall be presumed that receiving and/or withdrawing more or less similar minimal amount regularly are proceeds of online sexual exploitation of children and shall prompt the authorities to conduct further investigation based on the report provided by the centers herein.

Failure of remittance and transfer centers to comply with their responsibilities herein shall cause the revocation of their business permits and other licenses.

The LCPC shall recommend to the Office of the City Mayor what data or information that establishments shall be required to submit, including what amount of money or the frequency of the transaction that will constitute as suspicious, as well as the frequency of the reporting, and the form of the report provided that all data to be submitted shall comply with the Data Privacy law.

SECTION 8. AUTHORITY TO REGULATE INTERNET CAFE OR KIOSK, MONEY REMITTANCE CENTERS AND RESORTS, HOTELS, MOTELS AND SIMILAR ESTABLISHMENTS - All internet cafe and kiosks, resorts, hotels, motels and similar establishments as well as money remittance centers should undergo a seminar or orientation on OSAEC as a requirement prior to the issuance of a business permit, regardless of the kind of application whether it is new or for renewal to be handled by the LCPC.

In the case of internet cafe or kiosks, the establishment shall be required to implement mechanisms to verify the age and identity of its customers. The entry of minors and students in internet cafes shall also be compliant with the existing curfew regulations of the City of Naga, Cebu.

SECTION 9. REFERRAL AND COORDINATION SYSTEM - The LCPC shall develop a referral and coordination system within three (3) months after the passage of this Ordinance.

SECTION 10. MANDATORY SERVICES TO VICTIMS OF CHILD SEXUAL ABUSE OR EXPLOITATION - The City Social Welfare and Development Office (CSWDO) shall ensure that the child who is a victim of any form of child sexual abuse or exploitation is provided appropriate care, custody and support for their recovery and reintegration in accordance with existing laws.

The child and his family shall be entitled to protection as well as to the rights and benefits of witnesses under R.A. No. 6981, otherwise known as "The Witness Protection, Security and Benefit 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. Counseling;
- iii. 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;

- iv. Medical and/or psychological services;
- v. Livelihood and skills training; and
- vi. Educational assistance

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

SECTION 11. COUNCIL AND COMPOSITION - The established LCPC is hereby further tasked to include OSAEC/CSAEM by virtue of this Ordinance in its covered cases. The LCPC shall now be composed of the following:

- a. City Mayor as Chairperson;
- b. City Vice-Mayor as Vice-Chairperson;
- c. Sangguniang Panlungsod (SP) Committee Chairperson on Women and Family Affairs, or his/her duly designated representative as Member;
- d. SP Committee Chairperson on Youth and Sports Development or his/her duly designated representative as Member;
- e. Local Youth Development Officer as Member;
- f. City Social Welfare and Development Officer as Member;
- g. City Health Officer as Member;
- h. City Planning and Development Officer as Member;
- i. City Public Employment Services Officer as Member;
- j. Representative from the Office of the Schools Division Superintendent, DepEd Schools Division Office of the City of Naga as Member;
- k. Director Department of Interior and Local Government as Member;
- l. Chief, City of Naga Police Station as Member;
- m. Representative of NGO as Member;
- n. Representative of women organization as Member;
- o. Two (2) Elected Child Representatives as Members;
- p. Representative from the Parents-Teacher Association of the City of Naga, Cebu as Member;
- q. President of the Liga ng Mga Barangay as Member;
- r. Representative from the Church or Inter-Faith Groups; and
- s. Representative from the business community of the City of Naga, Cebu.

The Local Chief Executive shall convene the Council within two (2) months from the effectivity of this Ordinance. The Council shall conduct quarterly meetings or as often as necessary in the performance of their functions.

SECTION 12. FUNCTIONS OF THE COUNCIL - The Council shall have the following additional responsibilities:

- a. Monitor and document cases of OSAEC in the City;
- b. Maintain a database of OSAEC cases in the City;
- c. Coordinate with local agencies and NGOs to immediately respond and address the issues and problems attendant to OSAEC;
- d. Develop mechanism to ensure timely, coordinated and effective response to cases of OSAEC;
- e. Encourage and support LGU's initiatives which addresses OSAEC;
- f. Recommend the cancellation of licenses of establishment, which violate the provisions of this Ordinance and ensure its effective prosecution;
- g. Undertake an information campaign against OSAEC through the establishment of an Information and Education Team;

- h. Recommend the services for the prevention, rescue, recovery, rehabilitation and reintegration support to victims of OSAEC;
- i. Strengthen, activate and mobilized committees and organizations and specials bodies in the barangay level to prevent and suppress OSAEC;
- j. Recommend the utilization of funds appropriated under this Ordinance to the City Budget Office;
- k. Conduct information campaign- capacity building;
- l. Establish international linkages and develop proper foreign coordination; and
- m. Exercise all the powers and perform such other functions necessary to attain the purpose and objectives of this Ordinance.

SECTION 13. SECRETARIAT – the CSWDO shall serve as the Secretariat of the Council and for this purpose shall assign a permanent/detailed social worker particularly assigned to OSAEC concerns to perform the following functions, to wit:

- a. Facilitate the regular and special meetings of the Council every quarter of the year or as may be necessary in the performance of its mandate under this Ordinance;
- b. Receive communication, concerns and complaints and coordinate with the Council members or pertinent local agencies to address the same;
- c. Coordinate with agencies in the performance of the Council's functions;
- d. Consolidate and submit regular reports to the Council in relation to its functions; and
- e. Perform such other functions as the Council will assign.

SECTION 14. PROGRAMS FOR VICTIMS OF CHILD SEXUAL ABUSE OR EXPLOITATION - The Council shall develop and implement the necessary programs that will prevent any form of child sexual abuse or exploitation, as well as protect, heal and reintegrate the child into the mainstream of society. Such programs shall include but not limited to the following:

- 1. 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 16 of this Ordinance;
- 2. Sponsorship of a local 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-governmental organizations;
- 4. Sponsorship of conferences and seminar to provide venue for consensus building amongst the public, the academe, government, nongovernmental and international organizations; and
- 5. Promotion of information and education campaign.

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

SECTION 15. MANDATORY TRAININGS - Regular and continuous training and seminars, at least twice a year, shall be held to enable the members of the Council to function efficiently. Similar trainings shall also be provided for the purpose of equipping them with the necessary knowledge and skills to prevent and suppress OSAEC in their area of jurisdiction or to assist in the monitoring, investigation and prosecution of cases of OSAEC to the following officials and volunteers, to wit:

- i. Law enforcement officials;
- ii. Social workers;
- iii. Teachers, parents and students;
- iv. Barangay based volunteer groups such as women and youth groups;
- v. Barangay officials including staff;
- vi. Community leaders in every barangays; and
- vii. Other stakeholders.

SECTION 16. TRAUMA-INFORMED CARE FOR FRONTLINERS - In partnership with medical authorities and educational institutions, a program for counseling and stress management shall be developed for LCPC members, social workers and other frontline OSAEC responders.

SECTION 17. ESTABLISHMENT OF A HEALTHY AND CHILD-FRIENDLY SPACE - Through an ordinance, the LGU shall establish a Child-Friendly Space that shall serve as a refuge for child victims in general. It shall provide for:

- a. Temporary shelter for abused children;
- b. Interview rooms; and
- c. Office for the Local Council for the Protection of Children (LCPC) and its Secretariat.

The Space shall be provided with adequate personnel and administrative staff, preferably with a psychologist, to effectively serve the best interest of children.

SECTION 18. VIDEO IN-DEPTH INTERVIEW (VIDI) OF THE CHILD - To facilitate the proper assessment of the survivor and further support the prosecution of OSAEC cases, there should be established at least one (1) room specifically designed 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 fully equipped facility or space, the VIDI may be conducted in the room assessed by the social worker to be fit for 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:

1. Social worker;
2. Properly trained police officer/investigator; and
3. psychiatrist/psychologist/licensed physician.

The MDT shall be adequately trained in conducting VIDIs to ensure that they have a child protective mindset and that evidence derived from the same will be admissible in Court.

SECTION 19. VIDI MOBILE KIT- The Local Police Station, CSWDO and the Child-Friendly Space/Facility shall be provided with VIDI Mobile Kits which shall be comprised of the following:

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

SECTION 20. LOCAL ANTI-OSAEC PREVENTION AND AWARENESS PROGRAMS - There shall be established a robust prevention and awareness program involving all sectors in the community to combat OSAEC. The Local Government shall declare a day in **May as Anti-OSAEC Day** to increase awareness against the crime, and in line with the celebration of Family Month.

SECTION 21. APPLICABILITY OF OTHER RELEVANT NATIONAL LAW AND LEGAL PRINCIPLES - The provisions of R.A. No. 11862, R.A. 11930, R.A. 9775 and other relevant laws shall be applied in cases pertinent to:

- i. Duties of internet content host;
- ii. Confiscation and Forfeiture of the Proceeds, Tools and Instruments Used in Child Sexual Abuse or Exploitation, and
- iii. Duties of an ICT SP.

More importantly, the confidentiality of all proceedings and the privacy of the child shall be given utmost protection pursuant to existing laws, rules and regulations.

SECTION 22. PENALTIES - For violations of any provisions of the Ordinance which are not expressly penalized by national and other relevant laws, the following penalties are hereby imposed as follows:

- a. *First Offense*: The offender violating the Ordinance shall be penalized with a fine of Three Thousand Pesos (Php 3,000.00) and undergo a mandatory OSAEC Seminar;
- b. *Second Offense*: The offender violating the Ordinance shall be penalized with a fine of Four Thousand Pesos (Php 4,000.00) and undergo a mandatory OSAEC Seminar; and
- c. *Third Offense*: The offender violating the Ordinance shall be penalized with a fine of Five Thousand Pesos (Php 5,000.00) and undergo a mandatory OSAEC Seminar and six (6) months 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 permits.

SECTION 23. WHO MAY FILE A COMPLAINT - Complaints on cases of unlawful acts committed against the children as enumerated herein may be filed by the following:

- a. Offended party;
- b. Parents or guardians;
- c. Ascendant or collateral relative within the third degree of consanguinity;
- 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;
- f. Local social welfare development officer;
- g. Any barangay official;
- 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 this Ordinance.

SECTION 24. RESPONSIBILITY OF THE BARANGAY - Upon receipt by the respective Barangay of a complaint and/or information of any violation of this Ordinance, it shall refer the matter to the PNP - Women and Children Protection Desk and/or the CSWDO for the latter's appropriate action.

It shall be understood that cases falling under this Ordinance shall not be subject to a mediation/conciliation or settlement in the Barangay.

SECTION 25. FUNDING - A minimum annual amount of Seven Hundred Fifty Thousand Pesos (Php 750,000.00) shall be allocated for the expenses for implementation of this Ordinance.

The operation and activities of the Council 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 the 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 26. REPEALING CLAUSE – The provisions of previous local enactments, resolutions, memoranda, circulars, and other issuances inconsistent with this Ordinance are hereby repealed or modified accordingly.

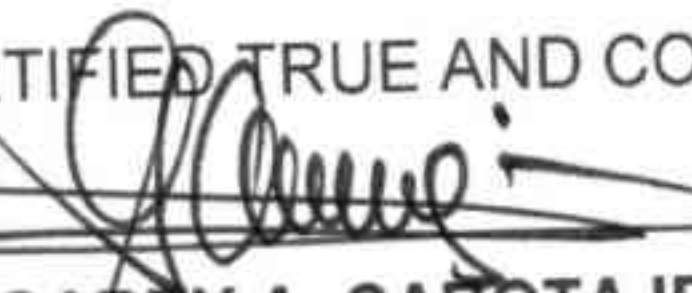
SECTION 27. SEPARABILITY CLAUSE – Should any portion of this Ordinance be declared ultra vires or unconstitutional by competent authority, the remainder not so affected shall continue to be in full force and effect as its susceptible to enforcement and application.

SECTION 28. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately following its publication in a newspaper of general circulation in the Province of Cebu and complete posting of the same in a bulletin board at the entrance of the City Hall of Naga Cebu and in at least two (2) other conspicuous places in the City of Naga, Cebu.


ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF NAGA, CEBU, on motion of Hon. Charmaine R. Navarro, seconded by Hon. Letecia F. Abangan, in its regular session held on the 24th day of September 2024.

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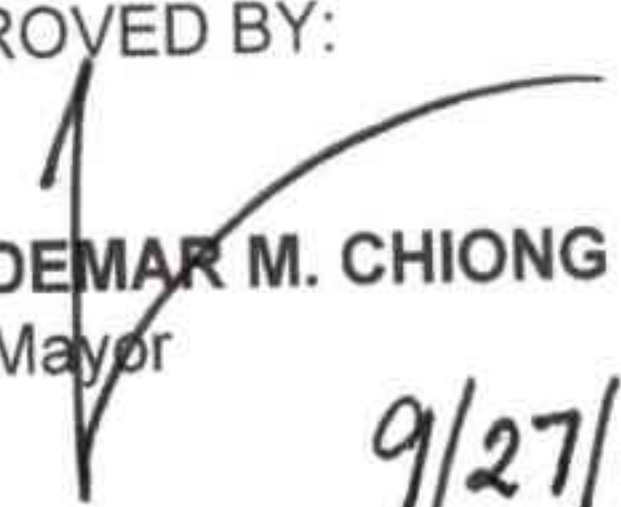
CERTIFIED TRUE AND CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY


VIRGILIO M. CHIONG
City Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor

9/27/2024







