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**SENATE**

**P. S. Res. No. 945**

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Introduced by **SENATOR LEILA M. DE LIMA**

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**RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CONTINUED PROLIFERATION OF CHILD CYBER SEX ABUSE IN THE PHILIPPINES DESPITE EXISTING LAWS, WITH THE END IN VIEW OF ENSURING THAT THE WELFARE OF THE FILIPINO CHILDREN AND YOUTH ARE PROTECTED THROUGH THE TIGHTENING OF APPLICABLE LAWS, AND THE EXPANSION OF THE IMPLEMENTATION OF EXISTING LEGISLATION PENALIZING AND PROHIBITING CHILD CYBERSEX TRAFFICKING**

1 WHEREAS, Article II, Section 13 of the Constitution provides that “[t]he State  
2 recognizes the vital role of the youth in nation-building and shall promote and protect  
3 their physical, moral, spiritual, intellectual and social well-being”;

4 WHEREAS, Article XV, Section 3 of the same provides that “[t]he State shall  
5 defend the right of children to assistance, including proper care and nutrition, and  
6 special protection from all forms of neglect, abuse, cruelty, exploitation and other  
7 conditions prejudicial to their development”;

8 WHEREAS, the Philippines is a signatory to the United Nations Convention on  
9 the Rights of the Child, which recognizes the inherent right to life of every child, and  
10 commits the government to ensuring to the maximum extent possible the survival and  
11 development of the child;

12 WHEREAS, since the promulgation of Presidential Decree 603, otherwise  
13 known as the “Child and Youth Welfare Act” in 1974, the Philippines has  
14 institutionalized the fostering of children’s rights, which states that, “[t]he child is one  
15 of the most important assets of the nation. Every effort should be exerted to promote  
16 his welfare and enhance his opportunities for a useful and happy life”;

1 WHEREAS, consistent with the policy of the State to shield and guard the  
2 children against all forms of abuse, exploitation and violence, the Philippines has  
3 enacted, through various legislative efforts, laws such as: Republic Act no. 7610, also  
4 known as “Special Protection of Children Against Abuse, Exploitation and  
5 Discrimination Act”; Republic Act no. 9775, otherwise known as the “Anti-Child  
6 Pornography Act of 2009” in order to prevent the exploitation of a child in  
7 pornographic performances and materials, and, the inducement or coercion of a child  
8 to engage or be involved in pornography through any kind of means; Republic Act no.  
9 9231, or the “Anti-child labor Law”, which specifically prohibits worst forms of child  
10 labor which includes the use, offering or exposing of a child for prostitution and  
11 unhealthy environment exposing children to physical, emotional or sexual abuse;  
12 Republic Act no. 10175, also known as the “Cybercrime Prevention Act of 2012” which  
13 penalizes cybersex and online child pornography; Republic Act No. 10364, also known  
14 as “Expanded Anti-Trafficking in Persons Act of 2012”, which likewise bans the  
15 offering of a child for prostitution, pornography or pornographic performances,  
16 among others;

17 WHEREAS, it is reported that, “[t]he Philippines has become a top global  
18 source of child pornography with around 80% of Filipino kids at risk of online sexual  
19 abuse or bullying.”,<sup>1</sup> and is now likewise considered to be the “epicenter” of the live-  
20 stream sexual abuse trade<sup>2</sup>;

21 WHEREAS, according to the United Nations Children’s Fund (UNICEF), the  
22 Philippine Justice Department receives every month more than 3,000 reports from  
23 overseas of possible cybersex trafficking cases<sup>3</sup>;

24 WHEREAS, according to the International Justice Mission (IJM), the number  
25 of rescue operations related to cybersex trade appallingly increased from 17 in 2015 up  
26 to 51 in just the first nine months of 2018. The report coincided with the alarming  
27 decrease in the age of victims involved in cybersex trade, which includes children 12  
28 years old or younger. Worse, there was a report that even a three-month old baby was

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<sup>1</sup> Passion, Patty. Rappler. *Philippines top global source pornography*. 13 December 2017. Retrieved from <https://www.rappler.com/nation/191219-philippines-top-global-source-child-pornography-unicef>

<sup>2</sup> Promchertchoo, Pichayada. Channel NewsAsia. *Live-streaming of child sex abuse spreads in the Philippines*. 28 October 2018. Retrieved from [https://www.channelnewsasia.com/news/asia/philippines-child-sex-abuse-live-streaming-cybersex-exploitation-10769092?cid=fbcna&fbclid=IwAR1vJ9OoFhqV9\\_oPuO7\\_D5yTH08Ysd7s1B7YfVwCOAV92hVZeALR34hqnz](https://www.channelnewsasia.com/news/asia/philippines-child-sex-abuse-live-streaming-cybersex-exploitation-10769092?cid=fbcna&fbclid=IwAR1vJ9OoFhqV9_oPuO7_D5yTH08Ysd7s1B7YfVwCOAV92hVZeALR34hqnz)

<sup>3</sup> *Ibid*

1 not spared from such abuses. It was further claimed that the younger the child is, the  
2 higher the payment<sup>4</sup>;

3 WHEREAS, a study by UNICEF entitled “Perils and Possibilities: Growing up  
4 Online” estimated that there are approximately 75,000 “child predators” online who  
5 are finding every means to get connected to a child in the Philippines<sup>5</sup>;

6 WHEREAS, according to the National Director of IJM, Sam Inocencio, parents  
7 or operators earn as much as \$80 to \$100 or 4,000 to 5,000 pesos per live show, which  
8 mostly depends on the client’s demands. This usually involves unthinkable abusive  
9 acts between an adult and a child, between children, or between a child and a sex  
10 paraphernalia<sup>6</sup>;

11 WHEREAS, last 12 April 2018, a court in Germany sentenced a man to five and  
12 a half (5 ½) years in jail for paying to watch children being sexually abused in the  
13 Philippines. The man was reported to have paid a total of 10,000 Euros, or around  
14 608,000 pesos to a Filipina who was housing the abused children<sup>7</sup>;

15 WHEREAS, last 14 June 2018, an Australian man named Peter Scully and his  
16 Filipina partner have been convicted and sentenced to life imprisonment after being  
17 charged with rape and trafficking. It was reported that they lured young girls into their  
18 apartment and were afterwards chained on the neck, like dogs<sup>8</sup>;

19 WHEREAS, last 24 June 2018, Malabon police and the Women and Children  
20 Protection Center rescued two (2) girls and a boy aged two (2) , four (4) and six (6),  
21 respectively, from their mother, grandparents and aunt, who allegedly corrupted them  
22 to engage in child pornography. Rescuers recovered a sex paraphernalia, laptop, and  
23 smartphones which were used by the minors to perform cybersex<sup>9</sup>;

24 WHEREAS, a Dutch policeman, with the help of Australian officers, rescued a  
25 total of 18 children, including a baby as young as five months, who were offered for  
26 online “made-to-order” sex shows catering to foreign pedophiles<sup>10</sup>;

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<sup>4</sup> *Ibid*

<sup>5</sup> Passion, Patty. Rappler. *When kids don’t know they are victims of sexual abuse*. 9 December 2017. Retrieved from <https://www.rappler.com/nation/190852-kids-sexual-trafficking-rehabilitation>

<sup>6</sup> Passion, Patty. Rappler. *Even 2-month-old babies can be cybersex victims-watchdog*. 29 June 2017. Retrieved from <https://www.rappler.com/nation/174257-child-cybersex-trafficking-philippines-status>

<sup>7</sup> Asia Times. *Man jailed in Germany for child sex abuse in Philippines*. 12 April 2018. Retrieved from <http://www.atimes.com/article/man-jailed-germany-child-sex-abuse-philippines/>

<sup>8</sup> GMA News Online. *Australian gets life in Philippines child sex abuse*. 14 June 2018. Retrieved from <http://www.gmanetwork.com/news/news/nation/656874/australian-gets-life-in-philippine-child-sex-abuse-case/story/>

<sup>9</sup> Cayabyab, Marc Jayson. PhilStar Global. *Family arrested for kids’ cyber sex in Malabon*. Retrieved from <https://www.philstar.com/nation/2018/06/24/1827313/family-arrested-kids-cyber-sex-malabon>

<sup>10</sup> Presse-France, Agence. ABS-CBN News. *Dutch cops bust*

1           WHEREAS, a Rappler report stated that most of the time, children are not  
2 aware of human trafficking and what it steals in their childhood. This is done by  
3 traffickers through instilling in the mind of the children the idea of success and easy  
4 money. Their targets or recruits are usually from “poor families that really have  
5 nothing to eat”<sup>11</sup>;

6           WHEREAS, reports state that in most cases, the traffickers are the people the  
7 victims trust, the children’s parents, siblings, relatives or neighbors<sup>12</sup>. More often, they  
8 do not believe that they are doing anything wrong and not causing any harm to the  
9 children because for them “...they are just actually performing on the computer, and  
10 there’s no contact, there is no touch.”<sup>13</sup>;

11           WHEREAS, child exploitation starts from the simple grooming process of  
12 gaining the trust of the Filipino perpetrator through exchange of online messages. This  
13 would later lead to asking for photographs and video clips of the perpetrator’s  
14 children<sup>14</sup>;

15           WHEREAS, the prevailing reasons that push some children and perpetrators to  
16 adhere to paid sexual abuses in the Philippines are due to widespread poverty  
17 accompanied with the ardent hope for a better life<sup>15</sup>;

18           WHEREAS, initial concentration of cybersex industry was found in Central  
19 Visayas before it spread to Mindanao, which incidentally are the regions with highest  
20 poverty incidence as of 2017<sup>16</sup>;

21           WHEREAS, cybersex abuse is now terribly advancing and spreading to  
22 different platforms—from social media networks, dating sites and online chat rooms -  
23 - thus making the investigation and identification of sexual predators harder;

24           WHEREAS, in line with the growth of this pernicious industry, the continuous  
25 increase of disturbing and disheartening cases of cyber child sex abuse only shows the

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‘made-to-order’ Philippine child sex gang. 22 June 2018. Retrieved from <https://news.abs-cbn.com/news/06/22/18/dutch-cops-bust-made-to-order-philippine-child-sex-gang>

<sup>11</sup> *Supra Ibid 5*

<sup>12</sup> *Supra Ibid 5*

<sup>13</sup> Guilbert, Kieran. Post Magazine. *Webcam child sex: why Filipino families are coercing children to perform cybersex*. 26 June 2018. Retrieved from <https://www.scmp.com/magazines/post-magazine/long-reads/article/2151939/webcam-child-sex-why-filipino-families-are>

<sup>14</sup> Promchertchoo, Pichayada. Channel NewsAsia. *We didn’t have much to eat: Poverty pushes some kids to paid sex abuse in the Philippines: 28 October 2018*. Retrieved from <https://www.channelnewsasia.com/news/asia/poverty-pushes-some-kids-towards-paid-sex-abuse-philippines-10839702>

<sup>15</sup> *Ibid*

<sup>16</sup> Philippine Statistics Office. Poverty Incidence among Population. Retrieved from <http://pcij.org/stories/stats-on-the-state-of-the-regions-hubs-of-wealth-ponds-of-poverty/>

1 utmost need for the government to review, assess and expand the implementation of  
2 the laws that are supposed to protect the Filipino youth and children;

3 WHEREAS, the pervasive problem of child abuse and sex trafficking in the  
4 Philippines calls urgently for more vigilant, tougher and higher penalties to eradicate  
5 this growing industry of child exploitation through cyber pornography in the country  
6 and consequently ensure that offenders are held accountable, and due justice is  
7 delivered to children;

8 NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to  
9 direct the Senate Committee on Women, Children, Family Relations, and Gender  
10 Equality to conduct an inquiry, in aid of legislation, on the continued proliferation and  
11 rising incidence of child cybersex abuse in the Philippines, despite existing laws, with  
12 the end in view of ensuring that the welfare of the Filipino youth and children are  
13 protected through the tightening of certain provisions of the laws, and the expansion  
14 of the implementation of existing legislation penalizing and prohibiting child cybersex  
15 trafficking.

*Adopted,*

  
LEILA M. DE LIMA