



Republic of the Philippines  
Province of Davao Oriental  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
SP Complex, Government Center, Dahican  
CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 81<sup>ST</sup> REGULAR SESSION OF THE 17<sup>TH</sup> SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, JANUARY 17, 2024 AT THE CITY OF MATI, THIS PROVINCE.

**PRESENT:**

Hon. Nelson R. Dayanghirang, Jr. Vice Governor – Presiding Officer

**Regular Members:**

**District I**

Hon. Anna Cheryl N. Castro  
Hon. Andy A. Monday

**District II**

Hon. Shella Marie S. Go  
Hon. Harold A. Montes  
Hon. Rotchie M. Ravelo  
Hon. Daud V. Linsag  
Hon. Stephen Paul L. Uy

**Ex-Officio Members:**

Hon. Joselito B. Villademoso

President, Philippine Councilors League (PCL) - Davao Oriental Chapter  
Indigenous Peoples Mandatory Representative (IPMR)

Hon. Eleuterio C. Manaytay

**ABSENT:**

Hon. Art Benjie C. Bulaong  
Hon. Marietta D. Palmera

SP Member, District I  
SP Member, District I – Special Privilege Leave

Hon. Shanine C. Lintogonan

Sangguniang Kabataan Provincial Federation President (SKPFP)

**PROVINCIAL ORDINANCE NO. 17-31-01-2024**

Author : Hon. Shella Marie S. Go

Sponsor : Hon. Shella Marie S. Go

**AN ORDINANCE ESTABLISHING CHILD PROTECTION POLICIES IN THE PRIVATE SECTOR IN THE PROVINCE OF DAVAO ORIENTAL FOR THE IMPLEMENTATION OF THE PROVISIONS OF REPUBLIC ACT NO. 9208, AS AMENDED BY REPUBLIC ACT 11862, OTHERWISE KNOWN AS THE “EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2022”.**

**WHEREAS**, Article XV, section 3(2) of the 1987 Constitution requires the State to defend the right of children to assistance and provides for special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;

**WHEREAS**, Article II, Section 20 of the 1987 Constitution provides that the State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments;

**WHEREAS**, Section 8 of RA 11862, otherwise known as the “Expanded Anti-Trafficking in Persons Act of 2022”, amending Section 9 of RA 9208 provides for the



duties and responsibilities of the private sector in the implementation of the provisions of the law;

**WHEREAS**, a local ordinance is necessary to establish the rules and regulations governing the role of the private sector in the province in the implementation of the provisions of the foregoing laws;

**WHEREFORE**, on motion of SP Member Shella Marie S. Go, duly and jointly seconded by SP Members Anna Cheryl N. Castro, Harold A. Montes, Rotchie M. Ravelo, Stephen Paul L. Uy, and Andy A. Monday, it was

Be it ordained by the 17<sup>th</sup> Sangguniang Panlalawigan of Davao Oriental, in session duly assembled that:

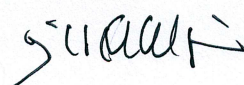
### ARTICLE I

**Section 1.** *Title of the Ordinance* – This Ordinance shall be known as “AN ORDINANCE ESTABLISHING CHILD PROTECTION POLICIES IN THE PRIVATE SECTOR IN THE PROVINCE OF DAVAO ORIENTAL FOR THE IMPLEMENTATION OF THE PROVISIONS OF REPUBLIC ACT NO. 9208 AS AMENDED BY REPUBLIC ACT 11862 OTHERWISE KNOWN AS THE “EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2022”.

**Section 2.** *Guiding Principle* – It is the policy of the Province of Davao Oriental to safeguard the welfare and rights of children in the private sector, and to ensure their protection from all forms of abuse, exploitation, and neglect. This ordinance aims to establish comprehensive child protection policies that promote the safety, well-being, and dignity of children in private sector premises.

**Section 3.** *Definition* – The following terms are defined for the purpose of this ordinance:

- a. Child - refers to a person below eighteen (18) years of age, or one who is 18 or but is unable to take care of or protect himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- b. Private Sectors – encompasses various industries, organizations, and establishments, including but not limited to:
  - i. Owners and Operators of Internet Cafes, Hotspots and Kiosks, Money Transfer and Remittance Centers, Transport Services, Tourism Enterprises, Malls, and Other Business Establishments Open and Catering to the Public.
  - ii. Financial Intermediaries.
  - iii. Hotels, Transient and Residential Houses, Condominiums, Dormitories and Apartments or any Analogous Living Spaces.
  - iv. Schools, learning centers and establishment engage in the service of delivering education to children.

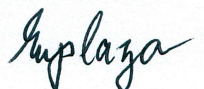
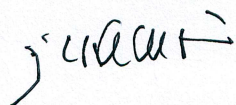
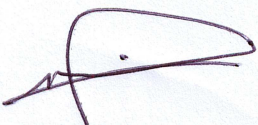




- c. Child Protection Policies – refer to guidelines, procedures, and measures designed to prevent and address issues related to child abuse, exploitation, and neglect, ensuring the safety, well-being, and rights of children within private sector premises.
- d. Child Sexual Abuse and Exploitation Material or Child Sexual Abuse Material (CSAEM or CSAM) - refers to photos, images, videos, recordings, streams, or any other representation or form of media, depicting acts of sexual abuse and exploitation of a child or representation of a child as a sexual object, whether or not generated digitally or by/through, and with the use of information and communications technology. It shall also include materials that focus on real or simulated genitalia or other private body parts of a child.
- e. Trafficking in Persons - refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, 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 which includes at a minimum, the exploitation or the prostitution of others, or the engagement of, others for the production or distribution, or both, of materials that depict child sexual abuse or exploitation, or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal or sale of organs. The recruitment, transportation, transfer, harboring, adoption, or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes, shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph.

**Section 4.** *Duties and responsibilities of private sectors* – All private sectors are hereby enjoined to do the following:

- a. Promote awareness against trafficking in persons through clear and visible signages in both English and the local dialect, with local and national hotlines posted within a conspicuous place in their facilities.
- b. Expressly prohibit any display of any form of CSAEM or CSAM within their premises.
- c. Money transfer and remittance centers shall require individuals transacting with them to present valid government identification cards.
- d. Owners of these establishments are mandated to notify the Philippine National Police or the National Bureau of Investigation within forty-eight (48) hours from obtaining facts and circumstances that violations of the laws against human trafficking are taking place within their premises, or that their facilities and services are being used to commit violations of said laws.
- e. Notify the Local Social Welfare and Development Office (LSWDO) and the Department of Labor and Employment (DOLE) within forty-eight (48) hours from obtaining facts and circumstances that trafficking in persons, including child trafficking or sexual exploitation of children is being committed in their premises.





- f. Post a notice containing the contact details of trafficking in persons hotlines, both national and local, in a conspicuous place near the public entrance, inside rest rooms, elevators, parking areas of the establishment, and in other conspicuous locations where similar notices are customarily posted in clear view of the public and employees.
- g. Financial intermediaries shall have the duty to report trafficking activities to the Anti-Money Laundering Council (AMLC) in accordance with the suspicious transaction reporting mechanism under Republic Act No. 9160, otherwise known as the 'Anti-Money Laundering Act of 2001', as amended.
- h. Private sectors shall likewise engage in anti-trafficking advocacy as part of their corporate responsibility.

**Section 5.** *Requirement for Business Permit* – The preceding responsibilities of the private sector shall be made part of the requirements for accreditation by the local government and for the issuance of the local business permit to operate.

**Section 6.** *In aid of Investigation* - The duties and obligations of the above entities as stated herein, when requested by law enforcers, prosecutors and other investigative bodies through proper processes and done in good faith shall not be construed as a violation of Republic Act No. 10173 or the "Data Privacy Act of 2012" or Republic Act No. 10175 or the "Cybercrime Prevention Act of 2012"

**Section 7.** *Establishment of Child Protection Policies:*

- a. All private sector entities operating within the jurisdiction of Davao Oriental shall be required to develop and implement comprehensive child protection policies, which shall prioritize the safety, well-being, and dignity of children.
- b. The child protection policies shall include, but not be limited to, the following provisions:
  - i. Clear statement affirming the commitment of the private sector entity to child protection, outlining the objectives and principles guiding the policies.
  - ii. Procedures for recruitment and screening of employees and volunteers, including background checks, such as criminal record checks, to ensure the suitability of individuals working with or having access to children.
  - iii. Reporting mechanisms for suspected child abuse, exploitation, or neglect, ensuring that employees and volunteers are aware of how to report such cases and the appropriate steps to be taken.
  - iv. Protocols for responding to reported cases of child abuse, exploitation, or neglect, including cooperation with relevant authorities, confidentiality measures, and support for the child and affected parties.
  - v. Training programs for employees and volunteers, focusing on child protection, identification of signs of abuse, appropriate behavior, and response protocols.



- vi. Regular review and updating of child protection policies to ensure their relevance and effectiveness.

## ARTICLE II

### Section 1. *Penalties and Sanctions* –

- a. Any person who violates Article II hereof shall suffer the penalty provided for under RA 9208, as amended, whenever applicable.
- b. Without prejudice to the criminal liability of the person or persons willfully refusing to perform the responsibilities under Article II of this ordinance, juridical persons owning or managing the aforementioned enterprises shall be subsidiarily liable, and their license or permit to operate may be revoked.
- c. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name.

## ARTICLE III

**Section 1.** *Effectivity* – This ordinance shall take effect fifteen (15) days after approval and publication in a news-paper of general circulation in the Province of Davao Oriental.

**Section 2.** *Repealing and Separability Clause* – Any provision of local ordinance or regulation inconsistent with this ordinance is hereby repealed or modified accordingly.

If any provision of this ordinance is declared invalid or unconstitutional, the other provisions not affected shall remain in full force and effect.

**Section 3.** *Approval and Publication* – This ordinance shall be approved by the majority vote of the Sangguniang Panlalawigan members present during the session. It shall be transmitted to the Provincial Governor for approval and shall be published in a newspaper of general circulation in the province of Davao Oriental.

**ENACTED: JANUARY 17, 2024**

**CARRIED**, by nine (9) affirmative votes of SP Members Shella Marie S. Go, Anna Cheryl N. Castro, Harold A. Montes, Rotchie M. Ravelo, Daud V. Linsag, Stephen Paul L. Uy, Andy A. Monday, Joselito B. Villademoso, and Eleuterio C. Manaytay; negative votes – none; and abstention - none.

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**I hereby Certify to the Correctness  
of the foregoing Ordinance.**

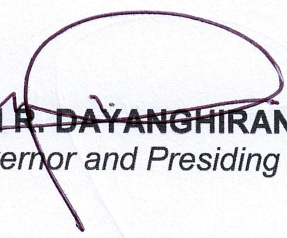
*Evplaza*

**EVANGELINE UY-PLAZA**


*Provincial Government Assistant Department Head  
Assistant Secretary to the Sangguniang Panlalawigan  
Acting Secretary*



**Attested and Certified  
to be duly Adopted:**

  
**NELSON R. DAYANGHIRANG, JR.**  
*Vice Governor and Presiding Officer*

**APPROVED:**

  
**NIÑO SOTERO L. UY, JR.**  
*Governor*

Date approved  
and signed JAN 29 2024