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Survivor-Centered Prosecution of Online Child Sexual Exploitation in the Philippines

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Abstract

This article examines whether current Philippine law supports a survivor-centered model of prosecuting online child sexual exploitation. Using doctrinal legal research, document analysis, and critical review, it analyzes statutes, implementing rules, Supreme Court rules, selected jurisprudence, executive issuances, and peer-reviewed scholarship relevant to online sexual abuse or exploitation of children in the Philippines. The article makes four claims. First, Republic Act No. 11930, Republic Act No. 11862, the revised implementing rules of Republic Act No. 9208, the implementing rules of Republic Act No. 11930, Republic Act No. 10175, and the Rules on Electronic Evidence collectively shift prosecution away from overdependence on child testimony and toward a broader evidentiary ecosystem of digital, platform, rescue-generated, and financial records. Second, the Rule on Examination of a Child Witness supplies a mature procedural framework for protected participation and lawful evidentiary accommodation. Third, recent Supreme Court decisions show that survivor-centered procedure is both enabled and disciplined by safeguards on competency, unavailability, corroboration, confrontation, and statutory transition. Fourth, current coordination measures suggest that prosecutorial quality depends as much on referral pathways and aftercare as on formal criminalization. Survivor-centered prosecution, on this account, is not a retreat from accountability but a more exacting standard of criminal justice that reduces secondary victimization while preserving the child's dignity within legal process.

Keywords: Child Witness, Digital Evidence, Online Child Sexual Exploitation, Philippines, Prosecutorial Strategy, Survivor-Centered Justice

1. Introduction

1.1 Problem Context

Online child sexual exploitation remains one of the most difficult child-protection and criminal-justice problems in the Philippines. Philippine and international studies consistently describe the problem as technologically mediated, financially enabled, and frequently intertwined with household precarity, gendered inequality, and uneven local protection systems (Gill, 2021; Tarroja et al., 2021; ECPAT, INTERPOL, & UNICEF, 2022; Roche

et al., 2023). Earlier scholarship and practice commonly used the term online sexual exploitation of children. Under Republic Act No. 11930, however, the statutory language is now online sexual abuse or exploitation of children and child sexual abuse or exploitation materials. This article uses the older term when discussing prior literature and practice, but relies on the present statutory terminology when analyzing current doctrine and prosecution.

The central legal problem is not simply whether the conduct is criminalized. The more difficult question is whether the justice process can hold offenders accountable without reproducing harm to the child victim or witness. Child-sensitive justice literature has long argued that meaningful access to justice requires procedures that are safe, intelligible, developmentally appropriate, and respectful of dignity while still capable of generating an effective remedy and a fair adjudication (Liefwaard, 2019). That concern is especially acute in online child sexual exploitation cases, where victims may be very young, dependent on adult exploiters, related to the accused, or trapped in repeated cycles of recording, livestreaming, and coercion.

1.2 Research Question and Contribution

This article asks whether Philippine law now supports a survivor-centered model of prosecuting online child sexual exploitation cases. It approaches the issue as a doctrinal and institutional question rather than as a prevalence study. The contribution of the article lies in bringing together statutes, procedural rules, recent Supreme Court decisions, and implementation issuances into a single account of how prosecution may be structured to reduce secondary victimization without weakening the burden of proof. It also situates the issue within law-and-humanities concerns, because the distribution of testimonial burden, the design of child-facing procedure, and the treatment of dignity in legal process are not merely technical questions of criminal proof.

The argument advanced here is precise. Philippine law now provides a firmer basis for survivor-centered prosecution than earlier anti-trafficking practice did, but the strength of that framework depends on three conditions: first, doctrinal discipline in the use of child-protective procedural tools; second, competent use of electronic and financial evidence so the child is not the sole carrier of proof; and third, localized coordination across justice and welfare institutions.

1.3 Scholarship and Doctrinal Gap

Existing literature has generated valuable insights into the drivers, harms, and operational characteristics of online child sexual exploitation in the Philippines. Scholars have examined the crime's technological and economic infrastructure, the vulnerabilities that sustain it, the challenges of local child-protection implementation, and the psychological and legal difficulties associated with child testimony (Gill, 2021; Robinson, 2015; Roche, 2017; Roche & Flynn, 2021; Roche et al., 2023; Sague-Castillo, 2009). What remains underdeveloped is a consolidated legal account of the post-Republic Act No. 11930 framework, especially when read together with the Rule on Examination of a Child Witness, the Rules on Electronic Evidence, and recent Supreme Court cases addressing hearsay, confrontation, and statutory transition.

That gap matters for an interdisciplinary law journal audience. Prosecutors, judges, policymakers, and child-protection practitioners need a clear account of what the present legal architecture authorizes, what it requires, and where the doctrinal limits remain. The stakes are both legal and humanistic: how institutions hear children, allocate evidentiary burdens, and translate dignity into procedure. A survivor-centered prosecution model cannot rest on rhetoric alone. It must be grounded in charge selection, admissibility rules, child-protective procedure, evidentiary strategy, and operational coordination.

2. Materials and Methods

2.1 Research Design

The article uses doctrinal legal research, document analysis, and critical review. Priority was given to primary legal materials—statutes, implementing rules, Supreme Court rules, and reported decisions—supplemented by

executive issuances, official institutional reports, and peer-reviewed scholarship. Materials were selected for their direct relevance to prosecuting online child sexual exploitation in the Philippines and, where policy developments were concerned, for their recency within the post-Republic Act No. 11930 framework. No interviews, surveys, experiments, or original human-subject datasets were undertaken. The inquiry is therefore interpretive rather than statistical.

This design is appropriate because the main question is legal and institutional: what does the current framework permit prosecutors and partner agencies to do, and what boundaries does it impose? The article does not attempt to estimate prevalence, rescue totals, filing rates, or conviction rates beyond what appears in cited public sources. Its purpose is instead to map the architecture of survivor-centered prosecution in law and policy.

2.2 Documentary Corpus

The documentary corpus includes five principal categories of materials. First are statutes and implementing rules, particularly Republic Act Nos. 9208, 10175, 11862, and 11930, together with the revised implementing rules of Republic Act No. 9208 and the implementing rules of Republic Act No. 11930. Second are Supreme Court rules, especially the Rule on Examination of a Child Witness and the Rules on Electronic Evidence. Third are selected Supreme Court decisions, including *People v. BBB and XXX*, *People v. Kenneth John Graham and Jocelyn Ordinaryo, Accused*; *Rosario Craste y Solayao*, *People v. YYY*, and *People v. AAA*. Fourth are executive and administrative issuances such as Executive Order No. 67, DILG Memorandum Circular No. 2023-181, and Department of Justice and Department of the Interior and Local Government policy materials on anti-OSAEC coordination. Fifth are peer-reviewed studies and institutional reports that provide conceptual, procedural, and contextual support for the legal analysis. Table 1 summarizes the corpus and its analytic function.

Table 1: Documentary materials and analytic function

Corpus category	Illustrative materials reviewed	Analytic function in this article
Statutes and implementing rules	Republic Act Nos. 9208, 10175, 11862, and 11930; IRR of Republic Act No. 9208; IRR of Republic Act No. 11930	Defines offenses, institutional duties, digital and financial proof environments, and recovery-oriented obligations.
Supreme Court rules	Rule on Examination of a Child Witness; Rules on Electronic Evidence	Clarifies protected testimony, child-hearsay conditions, and the admissibility framework for electronic records.
Jurisprudence	<i>People v. BBB and XXX</i> ; <i>People v. Kenneth John Graham and Jocelyn Ordinaryo, Accused</i> ; <i>Rosario Craste y Solayao</i> ; <i>People v. YYY</i> ; <i>People v. AAA</i>	Shows how survivor-centered prosecution is enabled, limited, and corrected through doctrine.
Executive and administrative issuances	Executive Order No. 67; DILG Memorandum Circular No. 2023-181; DOJ-DILG six-pillar anti-OSAEC policy materials	Demonstrates how prosecution capacity depends on coordination, localization, and operational case pathways.
Scholarship and institutional reports	Gill, 2021; Liefwaard, 2019; Robinson, 2015; Roche, 2017; Roche & Flynn, 2021; Roche et al., 2023; Sugue-Castillo, 2009; AMLC, 2023; ECPAT et al., 2022; Tarroja et al., 2021	Supplies conceptual and contextual support for child-sensitive procedure, local implementation, and evidentiary strategy.

Note. Table 1 summarizes the principal documentary materials used in the doctrinal review.

2.3 Analytical Framework and Limitations

The review proceeds through four analytical lenses. The first concerns statutory modernization and the changing evidentiary logic of digital exploitation. The second concerns child participation and the minimization of retraumatization during investigation and trial. The third concerns jurisprudence on competency, unavailability, corroboration, confrontation, and statutory transition. The fourth concerns inter-agency and local governance mechanisms that convert formal mandates into operational case pathways.

The article has clear limits. It does not compare regional prosecution outcomes, measure the frequency of protected testimony measures, or report the lived experiences of children within specific cases. Those are important empirical questions, but they require separate methods. The present article instead clarifies the doctrinal and institutional conditions under which survivor-centered prosecution can be legally sustained.

3. Results

3.1 Statutory Modernization and the Diversification of Proof

Philippine law now offers a more specialized framework for online child sexual exploitation than earlier anti-trafficking practice did. Republic Act No. 11930 expressly addresses online sexual abuse or exploitation of children and child sexual abuse or exploitation materials, and it links liability to reporting, prevention, investigation, rescue, rehabilitation, and reintegration. Its implementing rules are equally important because they operationalize prompt referral, child-safe statement taking with social-work support, anti-revictimization safeguards, and the dual objectives of rescue and evidence preservation. At the same time, Republic Act No. 11862 and the revised implementing rules of Republic Act No. 9208 remain central because many online exploitation cases still involve trafficking in persons in substance, especially where adults recruit, provide, maintain, harbor, or profit from the sexual exploitation of children (Republic Act No. 11862, 2022; Republic Act No. 11930, 2022; IRR of Republic Act No. 11930, 2023; IRR of Republic Act No. 9208, 2023).

The crucial development is not that Republic Act No. 11930 alone made digital evidence admissible. Admissibility continues to be governed by the Rules on Electronic Evidence and the broader framework of criminal procedure. The stronger and more accurate claim is that Republic Act No. 11930, its implementing rules, Republic Act No. 10175, the revised implementing rules of Republic Act No. 9208, and the Rules on Electronic Evidence collectively make electronic communications, device contents, subscriber information, platform records, rescue-generated materials, and financial transactions far more central to proof than in earlier testimony-centered practice (Republic Act No. 10175, 2012; Rules on Electronic Evidence, 2001).

This diversification of proof matters for survivor-centered prosecution because it reduces the risk that the child becomes the sole indispensable carrier of the case. Digital and financial records are not merely supplementary. In many cases they are protective assets that corroborate abuse, support detention or plea negotiations, and decrease the number of times a child must repeat what happened. Institutional and scholarly sources on the Philippines likewise show that online exploitation is sustained through ordinary communication and payment infrastructures as much as through overt physical coercion (Anti-Money Laundering Council, 2023; Gill, 2021; Roche et al., 2023). Table 2 identifies the main legal authorities that support this evidentiary turn.

Table 2: Selected legal authorities and their prosecutorial significance

Authority	Core doctrinal point	Prosecutorial significance
Republic Act No. 11930	Creates the dedicated OSAEC and child sexual abuse or exploitation materials framework and links liability to reporting, rescue, and protection mechanisms.	Improves charge selection and clarifies online-specific harms, but must still be read with evidentiary and procedural rules.

Rules on Electronic Evidence and Republic Act No. 10175	Provide the evidentiary and cybercrime framework for electronic records and related digital proof.	Supports the use of device, platform, and communications evidence so the child is not the sole source of proof.
Rule on Examination of a Child Witness	Establishes competency presumptions, protected modes of examination, and the child-hearsay exception when unavailability and corroboration are shown.	Makes testimony minimization and protected participation legally available in difficult cases.
People v. BBB and XXX, G.R. No. 252507	Affirms use of the child-hearsay exception where the child was unavailable and the statement was corroborated by other admissible evidence.	Supports survivor-centered proof strategies when direct child testimony would be harmful or impossible.
People v. Kenneth John Graham and Jocelyn Ordinaryo, Accused; Rosario Craste y Solayao, G.R. No. 253287	Rejects reliance on sworn statements where unavailability was not proved and where one declarant no longer qualified as a child witness.	Shows that accommodation must remain bounded by confrontation rights and evidentiary discipline.
People v. YYY, G.R. No. 262941	Clarifies that the repeal of Republic Act No. 9775 by Republic Act No. 11930 does not erase liability for acts committed before repeal.	Important for charge framing, statutory transition, and responses to repeal-based defenses.

Note. Table 2 identifies the authorities most directly relevant to survivor-centered prosecution in online exploitation cases.

3.2 Child-Sensitive Procedure and Protected Participation

The Rule on Examination of a Child Witness remains the central procedural instrument for making child-sensitive justice operational rather than rhetorical. Its structure is designed to help children give reliable and complete evidence while minimizing trauma and preserving the truth-seeking function of trial. The rule presumes that every child is qualified to be a witness, permits competency examination only when substantial doubt exists, and does not require corroboration when the child personally testifies credibly (Rule on Examination of a Child Witness, 2000).

The rule also provides a mature set of protective mechanisms. The court may exclude the public, regulate the manner of questioning, permit testimonial aids, and authorize live-link testimony or videotaped deposition when there is a substantial likelihood of trauma that would impair the completeness or truthfulness of the child's evidence. Most importantly for difficult exploitation cases, Section 28 allows hearsay statements by a child in child-abuse cases when the child is unavailable and the statement is corroborated by other admissible evidence. Properly used, these tools allow the justice process to reduce avoidable retraumatization without sacrificing evidentiary discipline.

This procedural framework is especially important in online child sexual exploitation cases because victims may be very young, repeatedly exploited, economically dependent, or subject to family-facilitated abuse. Philippine child-protection research has repeatedly shown that outcomes depend not only on substantive law but also on the coordination of early interviews, psychosocial support, medical documentation, and courtroom management (Roche & Flynn, 2021; Sague-Castillo, 2009). Survivor-centered prosecution therefore does not aim to remove the child from the process at all costs. Rather, it seeks to minimize avoidable retelling, sequence interventions carefully, and use the full range of lawful protective measures when participation is necessary.

3.3 Jurisprudence and Doctrinal Boundaries

Recent Supreme Court decisions provide the clearest support for a survivor-centered yet legally disciplined account of prosecution. In *People v. BBB and XXX*, the Court upheld a conviction for qualified trafficking in persons even though the child victim did not testify in open court. The decision confirms that the child-hearsay exception may be used when the child is unavailable and the statement is corroborated by other admissible evidence. The significance of the case is substantial: the law does not require live child testimony in every trafficking prosecution if the conditions for protected hearsay are properly established and the rest of the evidentiary record independently supports guilt (*People v. BBB and XXX*, G.R. No. 252507, 2022).

The jurisprudence is equally important for the limits it imposes. In *People v. Kenneth John Graham and Jocelyn Ordinaryo, Accused; Rosario Craste y Solayao*, the Court rejected reliance on sworn statements under the child-hearsay rule because the prosecution failed to prove a declarant's unavailability and because another declarant no longer qualified as a child witness. The case makes clear that survivor-centered procedure is not a license to bypass confrontation or foundational requirements. It is a framework of lawful accommodation that still demands rigor from prosecutors in establishing admissibility (*People v. Kenneth John Graham and Jocelyn Ordinaryo, Accused; Rosario Craste y Solayao*, G.R. No. 253287, 2022).

The Court has also reaffirmed the weight of direct child testimony when the child can testify safely and credibly. In *People v. AAA*, it reiterated that the sole testimony of a child witness may be sufficient to sustain conviction when the testimony is unequivocal, consistent, and lucid. The doctrinal position is therefore dual in character: when a child can testify, the law recognizes the force of that testimony; when the child is unavailable, corroborated hearsay may still be received, but only within the rule's safeguards (*People v. AAA*, G.R. No. 262600, 2024).

A final jurisprudential issue concerns statutory transition. In *People v. YYY*, the Court clarified that the repeal of Republic Act No. 9775 by Republic Act No. 11930 does not extinguish liability for conduct committed before the repeal, because the criminal prohibition was substantially reenacted. This is significant for current prosecution because many cases straddle older and newer statutory regimes. The decision prevents legislative modernization from producing unintended immunity and helps prosecutors frame charges correctly in transitional cases (*People v. YYY*, G.R. No. 262941, 2024).

3.4 Localization and Implementation Capacity

Survivor-centered justice in online exploitation cases cannot be produced by prosecutors acting alone. It depends on how investigators, social workers, local governments, schools, health services, prosecutors, and courts sequence their interventions. Research on local child protection in the Philippines has repeatedly documented the distance between strong national law and uneven local implementation, with limited resources, weak referral systems, and fragmented institutional relationships often shaping outcomes (Roche, 2017; Roche & Flynn, 2021).

Recent policy materials show a clear effort to narrow that gap. DILG Memorandum Circular No. 2023-181 sought to operationalize local committees on anti-trafficking and violence against women and their children. The National Coordination Center against OSAEC and CSAEM also advanced a six-pillar action plan emphasizing referral pathways, capacity-building, communications, aftercare services, private sector engagement, and data harmonization. Executive Order No. 67, meanwhile, created the Presidential Office for Child Protection and formally linked it to the National Coordination Center against OSAEC and CSAEM and to wider national coordination efforts in this area (Department of the Interior and Local Government, 2023; Department of Justice, 2024; Executive Order No. 67, 2024).

Localization is therefore not a secondary administrative matter. Functional regional and local mechanisms can improve reporting, rescue planning, temporary placement, family assessment, case conferencing, and post-rescue follow-through. Where such mechanisms exist only on paper, survivor-centered prosecution is difficult to realize. Where they operate as actual case infrastructure, legal protections become more accessible and less fragmented.

3.5 Conceptual Prosecution Pathway

Figure 1 synthesizes the architecture traced above into a single survivor-centered prosecution pathway. The figure is conceptual rather than empirical: it does not claim that every case follows a uniform sequence. Its analytic purpose is to show where evidentiary strategy, protected participation, and welfare coordination intersect in a survivor-centered model of prosecution.

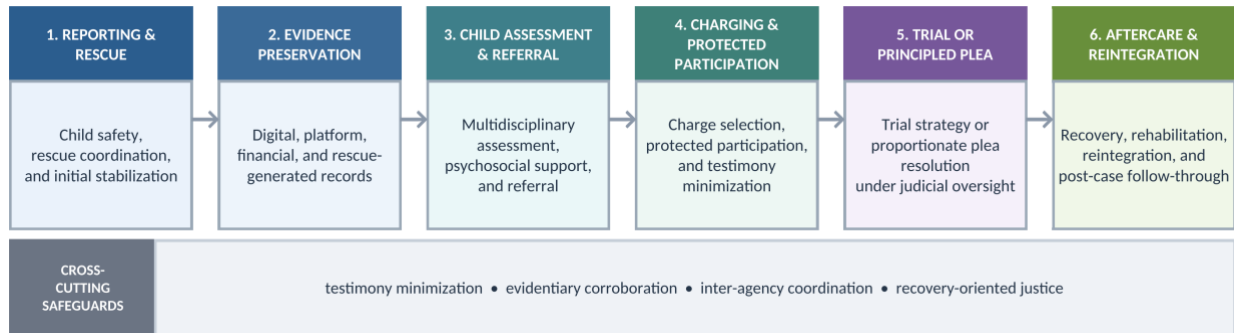


Figure 1: Conceptual survivor-centered prosecution pathway

Note. The pathway is conceptual rather than empirical. It identifies the stages at which proof-building, protected participation, and post-adjudication recovery must be coordinated to reduce secondary victimization while preserving accountability.

4. Discussion

4.1 What Survivor-Centered Prosecution Means in Law

Read together, the statutes, rules, cases, and implementation materials reviewed here support a more exact claim than a general child-protective narrative would suggest. Survivor-centered prosecution is not a soft alternative to ordinary prosecution, nor is it a rhetorical label for any case involving a child. It is a legally structured orientation toward proof and procedure. It demands that prosecutors pursue accountability while actively limiting unnecessary retraumatization and while maintaining fidelity to due process.

That orientation changes how prosecutorial quality should be understood. Conviction by itself is an incomplete metric of justice in child exploitation cases. A case may end in conviction and still subject the child to repeated questioning, unnecessary delay, avoidable confrontation, and poorly coordinated post-rescue care. By contrast, a survivor-centered case seeks a sustainable conviction through the least harmful lawful route. In practice, that means using digital, platform, device, medical, rescue-generated, and financial evidence where available; invoking child-protective testimony rules with doctrinal care; and integrating prosecution with protection and recovery. In law-and-humanities terms, it treats the child not merely as a source of facts but as a rights-bearing participant whose dignity shapes the design of procedure.

4.2 Plea Bargaining and Trauma Reduction

A similar logic applies to plea bargaining. The most defensible characterization of plea bargaining in this field is not that it is a doctrinal innovation unique to online exploitation cases, but that it can operate as a child-protective procedural practice when the evidentiary record is already strong. The U.S. Department of Labor reported that Philippine plea practices in trafficking-related cases, particularly those involving online sexual exploitation of children, reduced time to case resolution and helped spare child victims from appearing in court, thereby lowering the risk of retraumatization (U.S. Department of Labor, 2021).

That potential should be approached carefully. Plea bargaining may reduce delay and exposure, but it may also understate the gravity of the abuse, weaken deterrence, or marginalize the child's interests if handled mechanically. A survivor-centered plea practice must therefore remain fact-based, proportionate, transparent, and subject to

judicial scrutiny. The aim should never be speed alone. It should be a legally sufficient conviction that avoids unnecessary harm.

4.3 Practical Implications for Prosecution and Case Management

Three practical implications follow from the analysis. First, prosecution services should institutionalize survivor-centered case-handling protocols. These should clarify when prosecutors should consider protected testimony measures, live-link testimony, videotaped depositions, and applications under the child-hearsay rule. Routine reliance on such protocols would improve consistency and reduce ad hoc decision-making in difficult cases.

Second, digital and financial investigation capacity should be treated as a central prosecutorial competence rather than as a specialist add-on. Prosecutors handling online exploitation cases need fluency in electronic evidence, subscriber and platform records, device extraction, and financial tracing. Without that competence, the system risks drifting back toward overdependence on repeated child narration.

Third, regional and local anti-trafficking and violence against women and their children mechanisms should be understood as justice infrastructure rather than ceremonial committees. Functional referral pathways, case conferencing, temporary shelter coordination, psychosocial support, and aftercare planning can materially affect evidentiary quality, witness safety, and the long-term integrity of the justice process.

4.4 Limits of the Study

This article remains a doctrinal review. It does not determine how consistently survivor-centered tools are used across Philippine jurisdictions, how often courts admit child hearsay in practice, or whether local coordination mechanisms function effectively in every province and city. It also does not measure child experience directly. Those questions require empirical research involving case files, interviews, observational data, or mixed methods. Even so, the doctrinal clarification developed here matters. Without a clear legal map of the available tools and their limits, implementation debates can become imprecise, and claims about survivor-centered justice can obscure rather than illuminate the actual requirements of prosecution.

5. Conclusion

Philippine law now provides a firmer doctrinal basis for survivor-centered prosecution of online child sexual exploitation than was available in earlier anti-trafficking practice. Republic Act No. 11930 supplies a dedicated statutory framework for OSAEC and child sexual abuse or exploitation materials. Republic Act No. 11862 and the revised implementing rules of Republic Act No. 9208 preserve trafficking-based accountability and recovery-oriented obligations. The Rule on Examination of a Child Witness and the Rules on Electronic Evidence add the procedural tools necessary to protect children while allowing courts to receive the kinds of proof that digital exploitation cases actually generate.

The central lesson is that survivor-centered prosecution is a disciplined legal orientation toward proof and procedure. When a child can testify safely and credibly, the law recognizes the force of that testimony. When a child is unavailable, the law may still admit protected hearsay, but only when unavailability and corroboration are shown. When digital, platform, device, rescue-generated, and financial evidence are available, prosecutors should use them to reduce avoidable reliance on repeated child narration. And when local coordination mechanisms function well, prosecution is more likely to remain connected to rescue, temporary protection, rehabilitation, and reintegration.

In that sense, survivor-centered prosecution is not a retreat from accountability. It is the form of accountability that a child-protective justice system should strive to achieve: one that secures conviction while preserving dignity, safety, and the possibility of recovery.

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