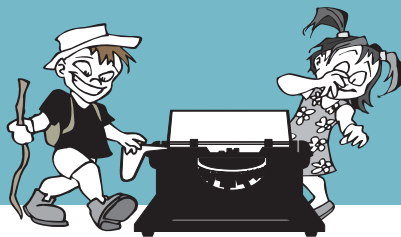


# A MANUAL ON TAKING THE SWORN STATEMENT OF CHILDREN



Based On

*A Child-Friendly Investigative Interview*

**A MANUAL ON TAKING THE  
SWORN STATEMENT  
OF  
CHILDREN**

*Based On*

*A Child-Friendly Investigative Interview*

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# Introduction to the Manual

## **Background**

In 2001, a multidisciplinary team composed of physicians, law enforcement officers and social workers were sent to train at the Institute for Crime Science in Zutphen, The Netherlands through the support of The Netherlands government and UNICEF Manila. This resulted in the creation of a core training team and the development of a protocol on the child-friendly investigative interview.

In 2003, training on how to interview children with allegations of sexual abuse was fast tracked by both the Philippine National Police (PNP) and the National Bureau of Investigation in partnership with UNICEF Manila and the Child Protection Unit Network (CPU-Net). It became apparent during the different trainings that the trainees needed a lot of help in formulating questions that young children understood. At the same time it was also noted that even while the trainees were learning the techniques of how to interview children, they had a hard time translating this into the sworn statement. The idea of coming up with a manual that will integrate the Dutch Scenario Model in Interviewing the Child Witness, the investigation of child sexual abuse and the use of developmentally appropriate questions was born.

A technical working group composed of legal advocates, members of the judiciary, Department of Justice (DOJ), PNP, National Bureau of Investigation (NBI) and CPU-Net, was convened. The technical working group made the first draft of the manual that became the basis of several workshops in Luzon, Visayas, and Mindanao conducted by the Department of Justice with faculty of the CPU-Net. This was further validated by pilot runs in the trainings participated by the PNP and NBI. The final draft was presented to experts and end-users in a final workshop on September 6, 2004.

## **Users of the manual**

Law enforcement investigators, child protection specialists, lawyers, social workers or any forensic interviewer who has the responsibility of interviewing children as part of the investigation of allegations of child sexual abuse.

## **Prerequisites to using the manual**

Users of this manual must have adequate knowledge on the following:

- 1) Development of language
- 2) The Dutch "Scenario" Model on interviewing child witness
- 3) Corroborative evidence in child sexual abuse cases
- 4) Essential elements of child abuse crimes

## **Purpose of the manual**

- 1) The manual is used in conjunction with the training on "How to Take the Sworn Statement of a Child".
- 2) It serves as a guide to the interviewer during the actual forensic interview of the child.
- 3) It provides a template for sworn statements of children.

## **Appendices**

The initial actions to be taken by law enforcement upon receiving a complaint of child abuse are included in the Appendices. This section includes tips on primary investigation, evidence collection and collaboration with other professionals involved in the case such as social workers, prosecutors or physicians.

After the initial response, the police officer should then obtain the child-witness' sworn statement. The interview process itself should follow the Scenario Model or Child-Friendly Investigative Interview Protocol. This primer is then used as a guide to write up the Sinumpaang Salaysay or **SWORN STATEMENT**.



## HOW TO USE THIS MANUAL

The manual follows the format of the child-friendly interview based on the Dutch “Scenario” Model. The algorithm shows the over-all flow of the interview. This is followed by a more detailed description of the 3 different scenarios (Scenario A, B, and C) depending on whether the child readily discloses the abusive incident or not. The different scenarios describe the techniques to be used to facilitate the disclosure of the child.

The next section describes the different parts of the interview:

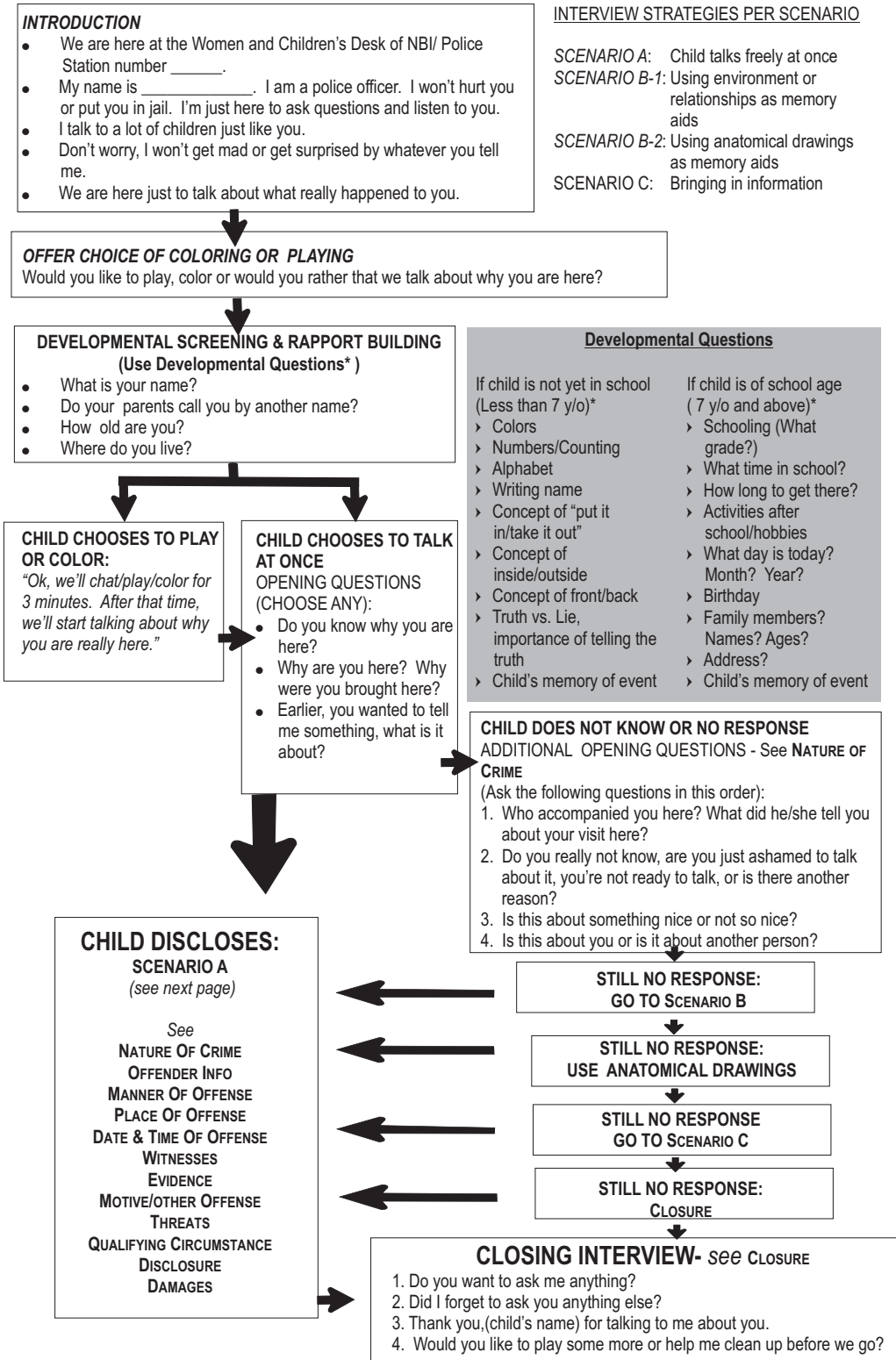
**RAPPORT BUILDING**  
**DEVELOPMENTAL ASSESSMENT**  
**ELICITING INFORMATION**  
**CLOSURE**

You will notice that during the Eliciting the Information portion of the interview, reference are made to using questions that are grouped according to categories that describe **DETAILS OF THE CRIME** crucial in prosecution i.e. **NATURE OF CRIME, PLACE OF OFFENSE, DATE & TIME OF OFFENSE**, etc. These questions are easily located using the colored tags on the side of the manual. Depending on the child’s answers, **SPECIFIC QUESTIONS RELATED TO THE OFFENSE** i.e. **PENETRATION, NUDITY, PORNOGRAPHY**, etc. are also referred to and these questions are also easily located with the use of the colored tabs on the sides of the manual.

The manual was constructed to make it easy for the interviewer to have it in front of her/him and be able to flip to the page that she/he needs to help her/him ask the appropriate questions following the lead of the child as she answers the questions.

Finally, a sample format of the Sinumpaang Salaysay or **SWORN STATEMENT** is presented after the section on Parts of the Interview.

## ALGORITHM OF THE DUTCH SCENARIO MODEL INTERVIEW



## INTERVIEW SCENARIOS & TECHNIQUES

### SCENARIO A: CHILD TALKS FREELY AT ONCE

A child who is willing to talk about the abuse incident right away can be interviewed using Scenario A.

1. Free Recall (*See questions in* DETAILS OF THE CRIME)

If a child starts talking right away, he/she is encouraged to tell the story in his own words. This is “free recall”, which is the most reliable and least influenced by the interviewer. The following techniques can be used in ELICITING INFORMATION to encourage the child to continue to disclose.

- a. Keeping quiet and not interrupting the child's narrative
- b. Uh-huh, And then... ?
- b. Repeating what the child/witness just said
- c. Nodding your head

2. Continuation instructions prior to questioning

- a. “I need to ask you some more questions because I wasn't there when it happened. Please tell me what you remember. There is no right or wrong answer.”
- b. “You can tell me ‘I don't know’ if you don't know the answer.”
- c. “You can also ask me to repeat the question or tell me if you don't understand the question.”
- d. “I may repeat certain questions because I didn't understand it the first time you answered. It doesn't mean you gave the wrong answer.”

3. Questioning (Ask open-ended questions first before specific questions.)

- a. Open Q's : Ask about ACTS before CIRCUMSTANCES
  - “What happened” -See NATURE OF CRIME
  - “How did it happen” See MANNER OF OFFENSE, GENERAL INQUIRY QUESTIONS

- “When did it happen?” See **DATE AND TIME**
  - “Where did it happen? Where were you when this happened?”- See **PLACE OF OFFENSE**
  - “Who did this to you? Was anybody else there when it happened? Who else was there?” See **NATURE OF CRIME AND OFFENDER**
  - Threats (“Did he tell you anything about telling other people?”) See **THREATS and QUALIFYING CIRCUMSTANCE**
  - Other perpetrators (“Did anybody else do the same thing to you?”)
  - Other victims (“Do you know if he did this to other children?”) See **MOTIVE**
  - Disclosure (“Who did you first tell about what happened to you?”) See **DISCLOSURE**
  - Witnesses (“Did anybody see him do this to you?”) See **WITNESSES**
- b. Specific Open Q's (Follow-up questions depending on the child's answers to your open-ended questions.)
- “What do you mean when you said you were raped?”
  - “Which room in your house did it exactly happen?”
  - “Which part of your body did he touch?”
- c. Multiple Choice Q's (A technique that can be used in follow-up questions to children who need to be encouraged to talk.)
- Minimum of 3 choices, followed by “something/someone/somewhere else?”
  - Right choice should NOT be the first or the last choice.
  - Example: “When did this happen: was it in the morning, evening, noon, or was it another time?”
  - Example: “Where did it happen: in the kitchen, the bedroom, the living room or was it in another room?”
- d. Closed Q's any question answerable by “yes” or “no”
4. Checking questions (To further validate the child's answers.)
- a. “How did you know?”
  - b. “How did you see it?”
  - c. “How did you know it was him?”

5. Showing (Technique to be used for young children who may not have the vocabulary to describe what happened)
  - a. Ask permission to demonstrate and to use dolls
  - b. "Can you show me how he \_\_\_\_?" (See **MANNER OF OFFENSE, GENERAL INQUIRY QUESTIONS**)
6. Important Points to Observe:
  - a. Child's emotional condition when describing what happened (e.g., crying, upset, calm, excited, traumatized)  
*See DAMAGES*
  - b. Spontaneity of description of abusive act
7. Give instructions before summarizing:
  - a. "I'll repeat what you told me."
  - b. "Tell me if this is correct."
  - c. "If what I say is wrong, please tell me, ok?"
8. Summarizing: 3-5 pieces of information at a time and following it with the question "Is that correct?" (At the end; give child/witness time to correct you.)

## **SCENARIO B-1: USING ENVIRONMENT OR RELATIONSHIPS AS MEMORY AIDS**

If the child does not disclose the abusive incident right away, the interviewer may ask questions about the child's environment. If the child mentions the suspect, the interviewer may then ask about the child's relationship with this person.

1. Ask about living environment (General information, neutral questions)
  - "Who lives with you in that house?"
  - "Who are your playmates?"
  - "Who is your neighbor?" Etc...
2. Ask about relationships (General information, neutral, rapport-building questions)
  - "What do you do when you're with \_\_\_\_?"
  - "What do you like about \_\_\_\_?"
  - "What don't you like about \_\_\_\_?"
  - "What don't you want to do when you're with \_\_\_\_?"
  - "Who do you love? Or Do you love \_\_\_\_? Why? Why not?"

## **SCENARIO B-2: USE OF ANATOMICAL DRAWINGS AS MEMORY AIDS**

If the child does not disclose after using the techniques in Scenario B-1, the interviewer may use sketches of a naked boy and a naked girl. The drawings should be introduced to the child. The child may be asked "What are these?". If the child answers "boy" or "girl", the child is asked how he/she can tell the difference.

1. "What can you see here?"
2. "How do you know this is a girl/boy?"
3. Name parts (head to foot, front and back). ("What do you call this part?")
4. Name 2 functions of each body part (What is this body part for?)

*For emotionally charged body parts:*

5. "Have you seen this (body part)?"
6. "Whose?"
7. "Did anything happen to you (body part)? What did you feel? Who did it?"

## **SCENARIO C:      B R I N G I N G   I N   I N F O R M A T I O N**

If **SCENARIO A** and **SCENARIO B** did not elicit any information from the child, the interviewer then switches to **SCENARIO C** where information from the police blotter or prior disclosure to another person are brought up."

1. Excuse yourself from the room. ("Please excuse me, I'll just go to the next room.")
2. Leave child with something to do. ("You may continue coloring or playing until I get back.") Praise her when you come back.
3. "I forgot to ask you something. The people in the next room said you told \_\_\_\_\_ (mommy/teacher/etc.) something? Is that correct? What did you tell \_\_\_\_\_ (mommy/teacher/etc.)?"
4. ("Mommy/teacher/etc.) \_\_\_\_\_, said, something happened at \_\_\_\_\_ (place). Is that correct? What happened there?"
5. NEVER MENTION SUSPECT'S NAME AND ACT! This must come from the child.

# The Sworn Statement

The sworn statement is a voluntary, written or printed declaration of facts, confirmed by oath of the party making it before a person with authority to administer the oath. The purpose of the sworn statement is to document, under oath or affirmation, any information valuable to an investigation.

In abuse cases, the child who is the victim is often the lone witness in the crime. This holds true for children who are kidnapped or are used in facilitating other crimes. Thus, the child's sworn statement is an important piece of the puzzle in these investigations. A child witness is not a miniature adult witness and should not be questioned the same way you would an adult. However, the law states that children are competent witnesses and can provide reliable and complete evidence. A child has different needs and limitations based on his or her developmental stage. Thus, valuable evidence can be obtained only by a well-trained interviewer who can minimize trauma to the child witness as well as facilitate the ascertainment of truth.

The following are tips on writing a sworn statement based on a child-friendly investigative interview:

- Begin the statement procedure by first determining whether the child is a victim, offender, or witness since this will determine the type of information to be obtained.
- Review the elements of the case involved. Review your case notes and evidence gathered from other witnesses such as the parents or guardians as a reminder of the facts.
- Record and preserve the child's statements by video or audiotape. This is crucial since this allows the review and recall of details given by the child witness as you write up the sworn statement. It would avoid re-interview or repeated questioning of the child.
- Write down what the child actually stated. It is important to use the child's own words. Do not suggest or incorporate your own terms or conclusions. The statement of a child witness who has been coached or tampered with is obvious since much of the language will contain legal jargon and adult language.
- The Sworn Statement has to be in Filipino or English. However, if the child cannot speak or understand neither Filipino nor English, the questions and answers given in the child's language should be transcribed as is then accompanied by the English translation enclosed in parentheses.
- If any details are missing, you may review the video or audiotape interview with the child or go back to the child, remind them of the relevant information, and ask them to include this information in the statement.
- Have the child affirm the truthfulness of his or her statement, as law requires this. Have the child, if able, sign the typed out document in your presence. If the child is not able to sign, have him or her affix a fingerprint on the document.
- Finally, sign the document yourself to show you obtained the information as sworn testimony.





## **PRELIMINARY INFORMATION**

Information written at the beginning of the **SWORN STATEMENT**.

### **Information on person taking the sworn statement**

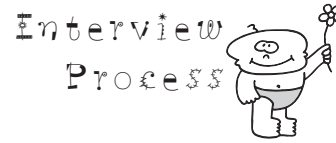
Name of the person taking the **SWORN STATEMENT**... or Sinumpaang Salaysay  
Place, date and time when taken

👉 ***Do not put the advisory on the constitutional rights of an accused. Do not threaten the child about telling a lie.***

### **Necessary information about the child**

- Name, address, age and other personal circumstances of the child

⌘ "What is your name?"  
⌘ "Do your parents call you by another name?"  
⌘ "How old are you?"  
⌘ "Where do you live?"



## PARTS OF THE INTERVIEW

### Rapport Building

These are a series of statements and/or questions designed to put a child at ease.

👉 ***You do not need to include these questions and the answers to them in the final affidavit or SWORN STATEMENT.***

Tell the child your name and what you do. Make statements that will put the child at ease. Assure the child that you will not hurt her or shout at her. State that you are here to help her and will not get her into trouble. Show any equipment being used and explain confidentiality.

🎗 "By what name can I call you?"

👉 ***You can check the child's ability to count; to read; her colors; to know her prepositions at this point.***

- 🎗 "Who lives with you at home?"
- 🎗 "What is the name of your mother?"
- 🎗 "What is the name of your father?"
- 🎗 "What is the work of your father/mother?"
- 🎗 "Do you know where your father/mother works?"
- 🎗 "Do you have brothers and sisters?"
- 🎗 "How many brothers and sisters?"
- 🎗 "What are their names?"
- 🎗 "How old are they?"
- 🎗 "Do your brother and sisters go to school?"
- 🎗 "Do you go to school?"
- 🎗 (If not yet in school) "Do you play?"
- 🎗 "What is the name of your playmate?"
- 🎗 "Where does he/she live?"
- 🎗 "Does he/she go to school?"
- 🎗 (If child goes to school) "Where do you go to school?"
- 🎗 "What grade are you?" (This will also be a good tool for you to discover her age or age-level)
- 🎗 "What is the name of your teacher?" (So you can interview the teacher next to find out if there were any changes in the child; or whether the child or any of her classmates may have told her.)



## PARTS OF THE INTERVIEW

### Developmental Assessment

The purpose is to assess the capability of the child to tell his story. It will guide the interviewer to ask questions that the child will understand and to avoid asking questions that the child will not be able to answer because of her age and developmental capacity. (Refer to Appendix LANGUAGE DEVELOPMENT: IMPLICATIONS IN INTERVIEWING CHILDREN.) You can adapt your language to match the child. Developmental questions also allow you to continue to build rapport with the child.

*If the child is not yet in school (less than 7 years old)*

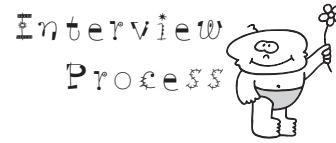
- › Colors
- › Numbers/Counting
- › Alphabet
- › Writing name
- › Concept of “put it in/take it out”
- › Concept of inside/outside
- › Concept of front/back
- › Truth vs. Lie, importance of telling the truth
- › Child’s memory of event

*If the child is in school (7 years old and above)*

- › Schooling (What grade?)
- › What time in school?
- › How long to get there?
- › Activities after school/hobbies
- › What day is today? Month? Year?
- › Birthday
- › Family members? Names? Ages?
- › Address?
- › Child’s memory of event

*If the child is a teenager with normal intelligence, you don’t need to perform a developmental assessment.*

**👉 The question and answers during the developmental assessment are not included in the SWORN STATEMENT.**



## PARTS OF THE INTERVIEW

### Eliciting Information

The transition from the introduction to talking about what happened takes place as soon as the child is ready. This is done after the child has relaxed or indicated talking about the case immediately. Depending on how ready the child is to disclose, the interviewer uses **SCENARIOS A, B OR C**.

Refer to

1. **INTERVIEW SCENARIOS & TECHNIQUES**
2. **DETAILS OF THE CRIME**  
(questions and answers you must ask and place in the affidavit or **SWORN STATEMENT**.)
  - › Nature of Crime
  - › Offender
  - › Manner of Offense
  - › Place of Offense
  - › Date and Time of Offense
  - › Witnesses and Evidence
  - › Motive/Other Offenses
  - › Threats
  - › Disclosure
  - › Damages
3. **SPECIFIC QUESTIONS RELATED TO THE OFFENSE**  
(follow-up questions that will help clarify or provide details to the offense/s committed)
  - › General Inquiry
  - › Penetration
  - › Erection/Masturbation
  - › Emission/Discharge
  - › Nudity
  - › Kissing/Oral Contact
  - › Pornography



***All the questions and answers at this part of the interview are included in the SWORN STATEMENT.***



## PARTS OF THE INTERVIEW

### Closure (Final Questions)

Additional questions are asked to gather data that were missed by the interviewer, to allow the child to ask the interviewer questions and to give feedback about the child's experience.

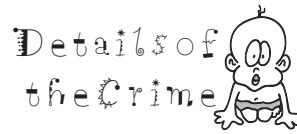
⌘ "Is there anything else you want to tell me that I forgot to ask about?"

☞ ***The child may ask you what will happen to the offender especially in cases of incest. Tell her that he will be brought to court and that he will receive punishment for what he did to her. She may ask you about the death penalty and in response you could ask her what she would want to see happen to the offender. This is not the time to discuss the death penalty.***

⌘ "Thank you for telling what happened to you. After this, you will go see a doctor who will also help you. Can you please raise your hand and tell me that what you have told me is the truth."

After the interview the child is thanked whether the investigative interview was successful or not. The interviewer may offer the child to do a relaxing activity such as cleaning up, playing or coloring. In other instances, the child may be advised of what happens next.

☞ ***The answers to the two questions above are included in the SWORN STATEMENT. Additional questions by the child i.e. what will happen to the offender and instructions by the interviewer about what will happen next, etc. need not be included in the SWORN STATEMENT.***



QUESTIONS AND ANSWERS YOU MUST ASK  
AND PLACE IN THE AFFIDAVIT

### NATURE OF CRIME

1. *QUESTIONS IF CHILD DOES NOT ANSWER IMMEDIATELY*

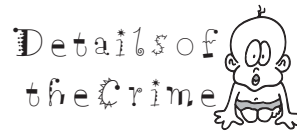
- ⌘ "What incident brought you to this office?"
- ⌘ "Do you know why you are here?" (If the child knows and answers immediately, you can proceed to #2 below)
- ⌘ "Why are you here?"
- ⌘ "What is that complaint about?"
- ⌘ "Who came with/brought you here?"
- ⌘ "What did he/she tell you about what you are going to do here?"
- ⌘ "Do you want to talk about it?"
- ⌘ "What is it about?"
- ⌘ "Is it about something bad or something good?"
- ⌘ "Is it about you or is it about somebody else?"

2. *QUESTIONS IF CHILD ANSWERS IMMEDIATELY*

- ⌘ "What was it that happened to you?"



**Remember: "rape" is a legal term, so you must ask what she means when she says she was "raped" or similar term.**



QUESTIONS AND ANSWERS YOU MUST ASK  
AND PLACE IN THE AFFIDAVIT

**OFFENDER**

NAME, ADDRESS, AGE AND OTHER PERSONAL CIRCUMSTANCES, PRESENT WHEREABOUTS, PHYSICAL DESCRIPTION AND IDENTIFYING MARKS OR FEATURES, IF ANY, RELATIONSHIP (TO THE CHILD) OF THE OFFENDER.

- ⌘ "Do you know the person who did this to you?"
- ⌘ "Was he alone? How many people did this to you?"
- ⌘ "Who is (*name of person who did something bad or offender*)?"
- ⌘ "How is he related to you?"
- ⌘ "Does he live with you at home? How long has he been living with you at home?"
- ⌘ "How do you call him?"
- ⌘ "You said he is your (*child's term for offender*), how did he become your (*child's term for offender*)?"
- ⌘ "Did he smell of alcohol?"
- ⌘ "Did he take drugs?"

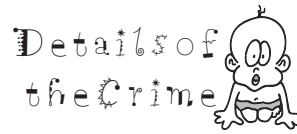
👉 ***You must always indicate in the sworn statement if the offender is a relative by blood or affinity up to third degree of consanguinity (See appendix). These also include stepparents (even though not married to the natural parent of the child) and foster parents. It is also important to state if this person lives with the child and/or treats him as her father or parent.***

IF THE OFFENDER IS A STRANGER **AND** THE CHILD IS OLD ENOUGH, ASK THE FOLLOWING QUESTIONS:

- ⌘ "How does this person look like?"
- ⌘ "Is this person a boy or a girl?"

👉 ***Always ask about gender of the offender. "Bakla" or "tomboy" is acceptable.***

- ⌘ "Did you notice anything significant on this person's face or body?"
- ⌘ "Can you tell me how old this person is?"
- ⌘ "Can you describe this person's hair? Skin color? Height? Build?"
- ⌘ "Do you see this person at a certain place? Where?"
- ⌘ "Do you know this person's job? What does he do?"




QUESTIONS AND ANSWERS YOU MUST ASK  
AND PLACE IN THE AFFIDAVIT

## MANNER OF COMMISSION OF OFFENSE

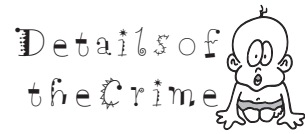
 ***Have in mind the elements of the probable offense.***

- ⌘ “What did he/she do to you?”  
(See GENERAL INQUIRY QUESTIONS)
- ⌘ “When you say (child's term for offense), what does that mean?”
- ⌘ “When he/she (child's term for offense), how does he/she do it?”
- ⌘ “What entered your vagina/anus/mouth?” (if she knows)  
(See PENETRATION QUESTIONS)
- ⌘ “Here is a drawing of a man. Can you point to me where his (child's term for penis) is?”
- ⌘ “You told me that (offender's name) put his (child's term for penis/body part/instrument) in your (child's term for whichever body part). Can you show me where your (child's term for whichever body part) is? “(Or show her a picture and ask her to point there.)
- ⌘ “Did anything come out of his (child's term for penis)?” (If relevant)  
(See EMISSION/DISCHARGE QUESTIONS)

 ***Please use the child's own words. Do not summarize what she said and never use your words. Remember, the child may point to the buttocks and describe this as the 'pepe'. Do not keep asking the same questions. The child may think her answer is wrong. After she has pointed to the parts, describe in the statement what the child pointed to.***

- ⌘ “What else does he/she do?”  
  
If applicable:  
(See ERECTION/MASTURBATION QUESTIONS)  
(See ORAL CONTACT/KISSING QUESTIONS)  
(See PORNOGRAPHY QUESTIONS)
- ⌘ “Was anything else inserted in the (child's term for own genitalia)?”
- ⌘ “Did he/she give you anything?”
- ⌘ “Did he/she say anything to you?”

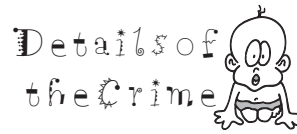




QUESTIONS AND ANSWERS YOU MUST ASK  
AND PLACE IN THE AFFIDAVIT

### **PLACE WHERE OFFENSE TOOK PLACE**

- ⌘ "Where did it happen?"
- ⌘ "Was it inside or outside the house?"
- ⌘ "Can you describe the place where it happened (if not in the house)?"
- ⌘ "Do you know the address of that place?" (And if she doesn't, ask about landmarks she may have noticed.)
- ⌘ "What were you doing at the time?"
- ⌘ "Who was with you at that time?"
- ⌘ "What was (that person) doing at the time?"
- ⌘ "Was it daytime or nighttime?"
- ⌘ "Was it dark or was there light?"
- ⌘ "Where were you (sleeping/playing)?" (If relevant)
- ⌘ "Where is your bed/playground?" (If relevant)
- ⌘ "Who sleeps/plays with you?" (If relevant)
- ⌘ "Where in the room/place did he/she talk to you?" (If relevant)



QUESTIONS AND ANSWERS YOU MUST ASK  
AND PLACE IN THE AFFIDAVIT

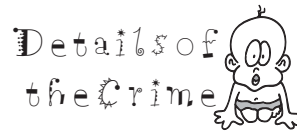
### DATE AND TIME OF OFFENSE

⌘ "When did it happen?"

👉 ***If the child has difficulty telling time or date, try the following series of questions:***

- ⌘ "What were you doing at the time?"
- ⌘ "Were you sleeping?"
- ⌘ "Did you just wake up?"
- ⌘ "Why did you wake up?"
- ⌘ "Was there a moon?" Describe the moon.
- ⌘ "Were you playing?"
- ⌘ "Had you eaten breakfast? Lunch? Dinner?"
- ⌘ "Was it yesterday? Last night? This morning?"
- ⌘ "Where was your mom? Aunt? Uncle? Lola? Sibling? Dad?"  
(Because one of them may have been brought to hospital; or just arrived as an OFW; or about to leave as an OFW; etc.)
- ⌘ "Was there a fiesta in your town?"
- ⌘ "Was it New Year?"
- ⌘ "Was it Christmas?" (Simbang Gabi)
- ⌘ "Was it All Saints' Day?"
- ⌘ "Was it raining?"
- ⌘ "Was it your (or somebody else's) birthday?"
- ⌘ "Were you/playmate/sibling going to school?"
- ⌘ "Was it planting/harvesting time?"

👉 ***Interview other people whom the child told or was seen with to determine date.***



QUESTIONS AND ANSWERS YOU MUST ASK  
AND PLACE IN THE AFFIDAVIT

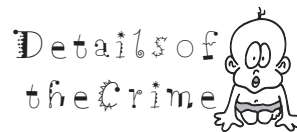
### IDENTITIES OF PEOPLE AT THE TIME OF OFFENSE OR THEREABOUTS

 ***Only necessary if there were other people there.***

- ⌘ "Did anyone see what happened to you and (*offender*)? Who saw what happened?"
- ⌘ "Was anyone with you in the room when it happened? Who was there?"
- ⌘ "How did you know that (*witness*) saw what happened to you and (*offender*)?"
- ⌘ "Did (*witness*) do or say anything when it happened or after the incident happened?"

### REFERENCE TO, AND DESCRIPTION OF, ALL REAL EVIDENCE

- ⌘ "What were you wearing?"
- ⌘ "Did he take off your (use child's words for specific clothing)?" (Be specific about whether the clothes were removed.) ( See **NUDITY QUESTIONS**)
- ⌘ "What was he/she wearing?"
- ⌘ "Was he holding something?"
- ⌘ "What was he/she holding?"
- ⌘ "Do you have a TV? Radio?"
- ⌘ "Were you watching TV/listening to the radio?" (Because they may have watched pornographic materials) (See **PORNOGRAPHY QUESTIONS**)
- ⌘ "What were you watching/listening to?"

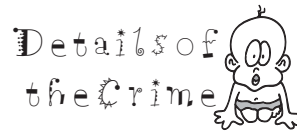


QUESTIONS AND ANSWERS YOU MUST ASK  
AND PLACE IN THE AFFIDAVIT

**MOTIVE, PRIOR OR SUBSEQUENT ATTEMPTED OR  
CONSUMMATED OFFENSE**

- ⌘ “After what you said happened, did he/she do it again to you?”
- ⌘ “Has this happened to you before?”
- ⌘ “Was it only once or many times?”
- ⌘ “Has this happened to your brother/sister? Or other children?”
- ⌘ “Did you see this happen to your brother/sister? Or other children?”
- ⌘ “Does your brother/sister/other child know about what happened to you?”
- ⌘ “Does your mother know about what happened to you?”

👉 ***If there are multiple incidents, ask specific questions on offender as well as what, where, when and how each incident happened. Do not accept answers such as “It’s the same.”***



QUESTIONS AND ANSWERS YOU MUST ASK  
AND PLACE IN THE AFFIDAVIT

**RELEVANT STATEMENTS INCLUDING ADMISSIONS, THREATS,  
OFFER TO COMPROMISE MADE BY THE OFFENDER BEFORE,  
DURING OR AFTER COMMISSION OF THE OFFENSE**

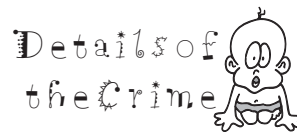
 ***These questions are only for children 12 years and older.***

- ⌘ “What does he/she tell you when (child's term for the offense)?”
- ⌘ “What else did he/she say to you?”

**AGGRAVATING, MODIFYING AND/OR  
QUALIFYING CIRCUMSTANCES**

Some important circumstances under RA 8353 which must be alleged in the complainant's sworn statement, criminal complaint and information when:

1. Victim is under 18 years of age and offender is a parent, ascendant, step-parent, guardian, and relative by consanguinity or affinity within the third civil degree or the common law spouse of the parent or victim;
2. Victim is under the custody of the police or military authorities or any law enforcement or penal institution;
3. Rape was committed in full view of the husband, parent, any children or other relatives within the third degree or consanguinity;
4. Victim is a religious;
5. Victim is child below 7 years old;
6. Offender knew that he is afflicted with AIDS or other STDs and virus or disease transmitted to the victim;
7. Offender is a member of the AFP, PNP or any law enforcement agency;
8. By reason or an occasion of the rape, the victim has suffered permanent physical mutilation or disability;
9. Victim suffering from a mental/physical infirmity or is pregnant, and the offender knew.




QUESTIONS AND ANSWERS YOU MUST ASK  
AND PLACE IN THE AFFIDAVIT

### **CIRCUMSTANCES AROUND REPORTING OFFENSE**

- ⌘ "Who did you tell about the thing he/she did to you?"
- ⌘ "Did you tell anyone else?"
- ⌘ "When did you tell he/she about what was done to you?"
- ⌘ "Why did you tell him/her this morning/afternoon?"
- ⌘ "What did he/she say after you told him/her?"
- ⌘ "Did you tell your mommy/auntie/Lola?"
- ⌘ (If child did not disclose to anyone about prior incidents) "Why didn't you report this before?"

### **PECUNIARY AND OTHER DAMAGES SUFFERED**

 *These questions may be asked of older children such as teenagers but may not be relevant to toddlers or young children. You may obtain information from the child's guardian about these.*

- ⌘ "You said your (*child term for whichever body part*) is painful?"
- ⌘ "When do you feel the pain?"
- ⌘ "Are you taking any medicines for what happened to you?"
- ⌘ "Were you hospitalized because of what happened to you?"

## Specific Questions Related to the Offense



### GENERAL INQUIRY

- ⌘ “Have you had any touches that you didn't like or made you feel uncomfortable?”
- ⌘ “How did the touching start?”
- ⌘ “What did [offender's name] touch you with?”
- ⌘ “You said [offender's name] touched you with his [child's name for body part].”
- ⌘ “Did [offender's name] touch you with anything else?”
- ⌘ “What did [offender's name]'s hand/finger/ [child's word for penis] do?”
- ⌘ “What part of your body did [offender's name] touch?”
- ⌘ “How did the touching feel?”
- ⌘ “How did it feel when [offender's name] put his [child's word for penis] in your [child's name for his or her genitalia]?”
- ⌘ “Did [offender's name] touch you somewhere else on your body?”
- ⌘ “Did you ever see [offender's name] touch anyone else's [child's name for own genitalia]?”
- ⌘ “Where were you when [offender's name] touched your [child's name for own genitalia]?”
- ⌘ “Did [offender's name] touch your [child's name for own genitalia] when you were at any other place?”
- ⌘ “Did [offender's name] touch you [child's name for own genitalia] once or more than once?”
- ⌘ “Did [offender's name] have you touch any parts of his body? How did your clothes come off?”
- ⌘ “What did you see when you were in that room?”
- ⌘ “What did you hear when [offender's name] was touching your [child's name for own genitalia]?”

## Specific Questions Related to the Offense



### PENETRATION

- ⌘ “Where was [offender’s name]’s [child’s term for penis/body part/instrument] used?”
- ⌘ “Did [offender’s name]’s [child’s term for penis/body part/instrument] touch you anywhere?”
- ⌘ “What part of your body did [offender’s name]’s [child’s term for penis/body part/instrument] touch?”
- ⌘ “Did your [child’s word for own genitalia] hurt? What made it hurt?”
- ⌘ “Did [offender’s name]’s [child’s term for penis/body part/instrument] touch inside or outside your [child’s word for own genitalia]? How did you know? How did that feel?”
- ⌘ “Did [offender’s name] ever put anything else inside that part of your body? Did (offender’s name) ever put anything on that part of your body?”
- ⌘ “Did [offender’s name]’s [child’s term for penis/body part/instrument] touch you on your clothing or on your skin?”
- ⌘ “Did [offender’s name] put anything on his [child’s term for penis]? What did it look like?”



**Use child’s own terms when describing actual act then ask child to describe what actually occurred. For instance, child may say “he put his peepee inside me” but what actually occurred was rubbing of offender’s penis against child’s labia or inner thighs. It is up to the judge to decide whether there was penetration.**



## Specific Questions Related to the Offense



### ERECTION/MASTURBATION

- ⌘ “What did [offender's name]'s [child's term for penis] look like?”
- ⌘ “Were there any marks on [offender's name]'s [child's term for penis]?”
- ⌘ “Tell me more about what [offender's name]'s [child's term for penis] looked like.”
- ⌘ “Did [offender's name] want you to touch him anywhere? How did he want you to touch him?”
- ⌘ “Did [offender's name] want you to touch his [child's term for penis] in a certain way?”
- ⌘ “What did [offender's name] do while he made you do that?”
- ⌘ “What did [offender's name] say when he made you do that?”
- ⌘ “How did [offender's name]'s [child's term for penis] feel when you touched it?”
- ⌘ “What did you hear when you were touching [child's term for penis]?”

## Specific Questions Related to the Offense



### EMISSION/DISCHARGE

- ⌘ “What happened to [offender's name]'s [child's term for penis] after he made you touch it?”
- ⌘ “What did he call the [child's word for semen]?”
- ⌘ “What do you call that stuff?”
- ⌘ “Where did the [child's word for semen] come from?”
- ⌘ “After [child's word for semen] came out of [child's term for penis] where was the [child's word for semen]?”
- ⌘ “What did [child's word for semen] look like?”
- ⌘ “What did [child's word for semen] feel like?”
- ⌘ “What did [child's word for semen] taste like?”
- ⌘ “What did [child's word for semen] smell like?”
- ⌘ “Did [offender's name] say anything when [child's word for semen] came out?”
- ⌘ “Did [offender's name] ask you to do anything after [child's word for semen] came out?”
- ⌘ “What did [offender's name] do after [child's word for semen] came out?”

## Specific Questions Related to the Offense



### NUDITY

- ⌘ “What were you wearing when... [*child's term for abuse*]?”
- ⌘ “What was [*offender's name*] wearing when...?”
- ⌘ “Was there anything special about [*offender's name*]'s clothes?”
- ⌘ “How did your clothes come off?”
- ⌘ “How did [*offender's name*]'s clothes come off?”
- ⌘ “Were all your clothes off?”
- ⌘ “Did he do anything with your clothes?”
- ⌘ “Did he do anything with his clothes?”

To clarify confusion about conflicting reports that her clothes were on but penetration occurred, ask:

- ⌘ “You said your clothes were on. You said he put his [*child's term for penis*] in your [*child's term for own genitalia*]. I don't understand that part. Tell me more about it.”

## Specific Questions Related to the Offense



### KISSING/ORAL CONTACT

- ⌘ “Did [*offender's name*]'s mouth touch you anywhere?”
- ⌘ “What did [*offender's name*] do with his mouth?”
- ⌘ “Did [*offender's name*] ask you to do anything?”
- ⌘ “Did [*offender's name*] want you to do anything to his [*body part*]?”
- ⌘ “Did [*offender's name*] want you to kiss him anywhere? Did [*offender's name*] want you to suck him anywhere else? Did [*offender's name*] want you to lick him anywhere else?”
- ⌘ “What did [*offender's name*]'s mouth do? What did [*offender's name*]'s lips feel? How did [*offender's name*]'s tongue feel?”
- ⌘ “How did [*offender's name*]'s kisses feel?”

## Specific Questions Related to the Offense



### PORNOGRAPHY

- ⌘ “Did [*offender’s name*] show you any pictures/books/magazines /movies/videos?”
- ⌘ “What were the pictures/books/magazines/movies/videos about?”
- ⌘ “Did [*offender’s name*] show you anything when he [*child’s word for abuse*] you?”
- ⌘ “Did [*offender’s name*] take any pictures/videos? What did he take pictures of?”
- ⌘ “Where does [*offender’s name*] keep pictures/videos?”
- ⌘ “What were the movies/videos about?”
- ⌘ “Where was the camera when [*offender’s name*] took pictures/videos?”

# Sample Format

Sworn Statement given by Isabel Santos to PO2 May Clemente at the Women and Children Complaint Division Criminal Investigation and Detection Group, Camp Crame, Quezon City on August 13, 2003 at 9:00 pm in the presence of maternal aunt Mrs. Grace Santos and P/Insp. Teresa Panganiban.

X-----X

1. Question: *Magandang gabi, hija. Maari ko bang malaman kung ano ang pangalan mo?* (Good evening hija. May I know your name? )  
 Answer: Isabel.
2. Question: *O sige, Isabel, ako nga pala si May Clemente. Nandito ka ngayon sa aming tanggapan sa Women and Children Complaint Division sa Camp Crame, Quezon City. Ako ay isang pulis at ang trabaho ko ay makipag-usap sa mga bata. Madami na rin akong nakausap na mga bata. Sabihin mo lang sa akin kung ano ang nangyari at ano ang natatandaan mo. Kahit anong sabihin mo sa akin, hindi ako magagalit o magugulat. Nandito ka ngayon para pag-usapan kung ano ang nangyari sa iyo. Ito ba ay naiintindihan mo?* (Ok Isabel, I am May Clemente. You are at the Women and Children's Complaint Division in Camp Crame, Quezon City. I'm a police officer and my job is to talk to children. I have talked with many children like you. You can tell me what you know and what you remember. I won't get mad or get surprised. We are here to talk about what happened to you. Do you understand?)  
 Answer: *Opo.* (Yes.)
3. Question: *Ano ang buong mong pangalan?* (What is your full name? )  
 Answer: Isabel Santos.
4. Question: *Ano ang itatawag ko sa yo?* (What can I call you?)  
 Answer: Isabel po.
5. Question: *Ilang taon ka na?* (How old are you?)  
 Answer: 11 years old.
6. Question: *Kailan ang birthday mo?* (When is your birthday?)  
 Answer: February 18, 1992.
7. Question: *Saan ka nakatira?* (Where do you live?)  
 Answer: 9 Singalong St. Manila
8. Question: *Alam mo ba ang pangalan ng nanay mo?* (Do you know your mother's name?)  
 Answer: Leonor Santos.
9. Question: *Eh yun tatay mo, anong pangalan niya?* (How about your father? What's his name?)  
 Answer: Roberto Santos.
10. Question: *Nasaan na ang mga magulang mo?* (Where are your parents?)  
 Answer: *Sa probinsya po.* (In the province.)

SWORN STATEMENT OF ISABEL SANTOS

PAGE 2

AUGUST 13, 2003

X-----X

11. Question: *At saan yun probinsya niyo? (And where is your province?)*  
Answer: Iloilo.
12. Question: *Sino ang kasama mo dito? (Who accompanied you here?)*  
Answer: *Tita Grace ko po. (My Aunt Grace.)*
13. Question: *May iba pa ba kayong kasama? (Did anyone else come with you here?)*  
Answer: *Wala na. (No one else)*
14. Question: *Alam mo ba bakit ka dinala dito ni Tita Grace? (Do you know why your Aunt Grace brought you here?)*  
Answer: *Opo, dahil ni-rape ako. (Yes, because I was raped.)*
15. Question: *Sino ang nag-rape sa yo? (Who raped you?)*  
Answer: *Si Sam. (Sam.)*
16. Question: *Alam mo ba ang buong pangalan ni Sam? (Do you know Sam's full name?)*  
Answer: *Hindi po, Sam lang. (No, just Sam.)*
17. Question: *Kamag-anak mo ba si Sam? (Are you related to Sam?)*  
Answer: *Hindi po, nakilala ko lang siya sa Blue Bar. (No. I just met him in Blue Bar.)*
18. Question: *Paano mo nakilala si Sam sa BlueBar? (How did you meet Sam in Blue Bar?)*  
Answer: *Pinakilala lang po sa akin ni Yolly. (Yolly introduced him to me.)*
19. Question: *Maari mo bang sabihin ano ang itsura ni Sam?( Can you tell me how Sam looks like?)*  
Answer: *Amerikano siya at kalbo.( He's American and bald.)*
20. Question: *May naalala ka pa sa tungkol sa kanya? (Do you remember anything else about him?)*  
Answer: *Malaki siya, naka pulang T-shirt. (He's big and had a red T-shirt.)*
21. Question: *Kung makita mo si Sam ulit, maituturo mo ba siya sa akin? (If you see Sam again, do you think you can point him to me?)*  
Answer: *Opo.(Yes.)*
22. Question: *Sino naman tong si Yolly? (Who is Yolly?)*  
Answer: *Kapitbahay ko po. (She's my neighbor.)*
23. Question: *Saan ka pinakilala ni Yolly kay Sam? (Where did Yolly introduce you to Sam?)*  
Answer: *Sa Blue Bar po.*

SWORN STATEMENT OF ISABEL SANTOS

PAGE 3

13 AUGUST 2003

X-----X

24. Question: *Saan matatagpuan ang Blue Bar?* (Where is Blue Bar?)  
Answer: *Malapit lang po sa school namin, paglabas ko ng school kanina 4:00 pm.* (It's near our school, when I finished school earlier at 4:00 pm.)
25. Question: *Anong ginawa ninyo sa Blue Bar?* (What did you do at Blue Bar?)  
Answer: *Wala po.* (Nothing.)
26. Question: *Gaano kayo katagal nandoon sa Blue Bar?* (How long did you stay at Blue Bar?)  
Answer: *Sandali lang po.* (Just for a short while.)
27. Question: *Matapos ninyo sa Blue Bar, anong ginawa ninyo?* (After going to Blue Bar, what did you do?)  
Answer: *Dinala po ako ni Sam sa Angel Hotel.* (Sam brought me to Angel Hotel.)
28. Question: *Paano kayo nakarating ni Sam sa Angel Hotel?* (How did you and Sam get to Angel Hotel?)  
Answer: *Naglakad lang po kami.* (We just walked.)
29. Question: *Saan ka niya dinala sa Angel Hotel?* (Where did he bring you to Angel Hotel?)  
Answer: *Sa 12<sup>th</sup> floor po.*
30. Question: *Pagpasok nyo sa Angel Hotel anong ginawa ninyo?* (When you went to Angel Hotel, what did you do?)  
Answer: *Wala po, pero tinanong niya ako kung nagugutom ako, kaya nag-order siya at kumain kami.* (Nothing, but he asked me if I were hungry, so he ordered food and we ate.)
31. Question: *Ano pa ang sumunod na nangyari?* (What happened next?)  
Answer: *Habang kumakain po ako, nandoon po si Sam sa banyo naliligo. Tapos may dumating na isang batang babae, tapos pinakilala po siya sa akin "Gina" daw ang pangalan nya.* (While I was eating, Sam was in the bathroom taking a bath. Then a girl came and she was introduced to me as "Gina.")
32. Question: *Ano pa ang ginawa ninyo?* (What else did you do?)  
Answer: *Nanood po kami ng video, may mga batang nakahubad na may kasamang lalaki.* (We watched a video with naked children and a man.)
33. Question: *Matapos noon, ano pa ang sumunod na nangyari?* (After that, what happened next?)  
Answer: *Ni-rape niya po ako.* (He raped me.)
34. Question: *Ano ang ginawa niya pag sinabi mong ni-rape ka niya?* (When you say he raped you, what exactly did he do?)  
Answer: *Pinasok niya yun bird niya sa pepe ko.* (He put his "bird" in my "pepe".)



SWORN STATEMENT OF ISABEL SANTOS

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X-----X

35. Question: *Heto ang drawing ng babae at lalaki, pakituro mo nga dito alin ang "bird"?* (Here's a drawing of a boy and a girl, can you point to me, which one is the "bird"?)  
Answer: (Child points to the penis of an anatomical drawing of a boy)
36. Question: *Heto ang drawing ng babae at lalaki, pakituro mo nga dito alin ang "pepe"?* (Here's a drawing of a boy and a girl, can you point to me which one is the "pepe"?)  
Answer: (Child points to the vagina of an anatomical drawing of a girl)
37. Question: *Noong pinasok ni Sam yun "bird" niya sa "pepe" mo, may nakita ka bang lumabas?* (When Sam put his "bird" in your "pepe", did you see anything come out?)  
Answer: *Opo, parang sipon. Sa hita ko.* (Yes, it was like mucus. On my thigh.)
38. Question: *May ginawa pa ba siyang iba sa iyo?* (Did he do anything else to you?)  
Answer: *Wala na po.* (No.)
39. Question: *May binigay ba siya sa iyo?* (Did he give you anything?)  
Answer: Chocolates po.
40. Question: *May sinabi ba siya sa iyo?* (Did he tell you anything?)  
Answer: *Mabait daw ako na bata.* (That I'm a good girl.)
41. Question: *Ilang beses na ito nangyari?* (How many times did this happen?)  
Answer: *Isa lang po.* (Just one time.)
42. Question: *May nakakita ba sa inyo noong ginawa ito ni Sam?* (Did anyone see what Sam did to you?)  
Answer: *Meron po, si Gina.* (Yes, Gina.)
43. Question: *Ano naman ang ginawa ni Gina, noong may ginagawa sa iyo si Sam?* (What was Gina doing when Sam was doing something to you?)  
Answer: *Hinahawakan niya ako sa kamay.* (She was holding my hand.)
44. Question: *Noong ni rape ka ba ni Sam, anong suot mo?* (When Sam raped you, what were you wearing?)  
Answer: *Wala po, hinubaran niya ko.* (None, he removed my clothes.)
45. Question: *Ano ang nararamdaman mo nung ipinasok ni Sam ang "bird" niya sa "pepe" mo?* (What did you feel when Sam put his "bird" in your "pepe"?)  
Answer: *Masakit po.* (It was painful.)
46. Question: *Anong sinabi niya sa iyo?* (What did he tell you?)  
Answer: *Ok lang daw po.* (That it was ok.)

SWORN STATEMENT OF ISABEL SANTOS

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X-----X

*At this point, child was crying quietly.*

48. Question: *Maliban kay Sam, may iba pa bang gumawa sa iyo ng ganito?* (Aside from Sam, did anyone else do this to you?)

Answer: *Wala na po.* (No one.)

49. Question: *Anong gusto mong mangyari kay Sam?* (What do you want to happen to Sam?)

Answer: *Makulong po siya.* (That he be put in jail.)

50. Question: *Sino ang unang pinagsabihan mo tungkol sa pangyayaring ito?* (Whom did you tell first about this incident?)

Answer: *Si Tita Grace ko po.* (My Aunt Grace.)

51. Question: *Hindi na muna ako magtatanong pa sa iyo, Isabel. Mayroon ka pa bang idadagdag?* (I will stop asking you questions now, Isabel. Do you have anything to add?)

Answer: *Wala na po.* (None.)

52. Question: *Salamat sa pagkuwento mo sa akin ng mga nangyari sa yo. Pagkatapos nito, may pupuntahan kayong doctor na tutulong din sa yo. Paki-taas mo na ang iyong kamay at sabihin mo sa kin na totoo lahat ng sinabi mo sa akin.* (Thank you for telling me what happened to you, Isabel. After this, you will go see a doctor who will also help you. Can you please raise your hand and tell me that what you have told me is the truth?)

Answer: (Child raises her right hand) *Lahat po yun totoo.* (Everything I said is true.)

X-----END OF STATEMENT-----X

*Isabel Santos*

ISABEL SANTOS

Affiant

CERTIFICATION

This is to certify that I read and understood the Sworn Statement given by ISABEL SANTOS before she signed the same. This is also to certify that she understood the questions and answers she gave in her Sworn Statement.

*Grace Santos*

GRACE SANTOS

(Affiant's Aunt)

WITNESSED BY:

*Wagay*

*David M. Golez*

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of August 2003 in the Women and Children Complaint Division Criminal Investigation and Detection Group, Camp Crame, Quezon City. I further certify that I have examined the herein Affiant and I am fully convinced that she has voluntarily executed and fully understood the contents of the foregoing statement.

*David M. Golez*

HA DAVID M. GOLEZ

(Administering Officer)

By Virtue of RA 157

# APPENDICES

## **LANGUAGE DEVELOPMENT: IMPLICATIONS IN INTERVIEWING CHILDREN**

### **Preschoolers (2-5 yrs)**

Unable to give accurate info on time, date, frequency or duration of events, distance, size, height, weight

Statements tied to behavioral routines i.e. bedtime, bathing

Concept of “before” and “after” are inconsistent

Verbal & cognitive abilities may not be consistent

Verbal account may be brief because of short attention span rather than an inability to recall events

Can freely recall one or two facts without prompting

Cannot compare the characteristic of one person with another i.e. taller, thinner

Assume they understood a question when they did not

May appear inconsistent because describes different details of the same incident when asked at different times

Dependent on adults to ask the right questions

Literal interpretation of verbal communication

Story may contain what appear to be imagined elements because of lack of words or experience to describe the abuse

Cannot identify reliably people who they don't know well from photos

Assume adults already know everything about them

Clues come from behavior

Unlikely to have learned adult sexual behavior except direct experience

Child's report only one part of the puzzle

**School-age (6-10 yrs)**

Begin to develop sense of time but still have difficulty using units of time correctly

Describe time frame through the use of identifying markers i.e. grade in school, house they lived in at that time.

Can freely recall 6 facts without prompting

Better able to describe location and the context of the abuse

Feel responsible for external events

Know which behavior is acceptable or unacceptable

Describe the offender's method i.e. establishing & maintaining secrecy and control over the child

Still thinks in concrete terms

Still dependent on the question to frame the narrative report:

Question about being touched will not elicit description of being forced to touch the offender

Question about what happened to her will not lead to reports of other children present

**Young teens (11-13 yrs)**

Can tell story sequentially

Usually know the behavior is wrong

Understands possible consequences to offender, family and self

May tell friend then feel guilty about participation and previous silence

May deny anything happened and act as if everything is fine

**Adolescence (13-17 yrs)**

Greater independence and high level of testing behavior

Teen's efforts to deal with the abuse can lead to truancy, drug abuse, increase in sexual behavior, lying

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**REFERENCE:**

Walker, AG. 1994. *Handbook On Questioning Children: A Linguistic perspective*. Washington, DC: ABA Center on Children and the Law.

## THE INITIAL RESPONSE

### ACTIONS TO BE TAKEN BY LAW ENFORCEMENT UPON RECEIVING A CHILD ABUSE COMPLAINT

One of the law enforcement officer's primary roles is to investigate allegations of child abuse or of other criminal conduct in which children are involved in any capacity.

The initial response by law enforcement to child abuse report should include the following:

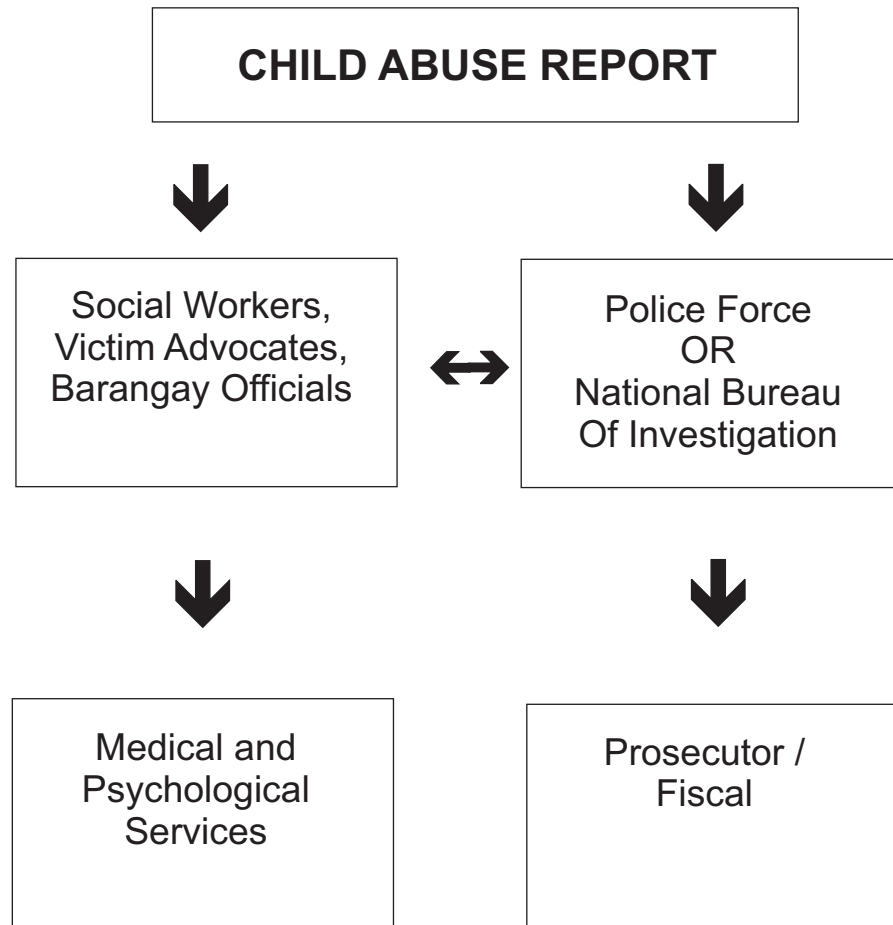
1. Ensure that the victim is safe by giving emergency protection and by preventing additional trauma to the child
2. Establish that a crime has occurred
3. Determine the violation of the law
4. Preserve the crime scene
5. Obtain evidence necessary for prosecution and apprehension of the suspect

The law enforcer also has the role of working within a multi-disciplinary framework to prevent new victims through advocacy and the education of the community. Working with a multi-disciplinary team will prevent a judgment of a sexual abuse case or victim prior to a proper investigation.

### THE BLOTTER

*Each WCCD must maintain a separate and strictly confidential police blotter for recording of cases involving women and children. This blotter is not for the eyes of media or any other person.*

The following is the usual process of report and investigation in cases of child abuse:



## INITIAL CONTACT WITH THE VICTIM

Most victims delay reporting their assault to police if they report at all. For this reason, it is imperative that the responding officer be patient regarding any hesitancy by the victim.

1. *Ensure that the victim is safe*

Evaluate the need for emergency medical care. If emergency medical care is needed, transport the victim to the nearest medical facility. Reassure the victim that she is safe and that her physical and emotional well-being is a top priority.

2. *Conduct a preliminary interview with the victim*

 ***This is not the forensic interview or the interview which will be basis of the “sinumpaang salaysay”.***

This interview should take place in privacy and without distractions. If the victim would like to have an advocate or support person with her, every effort should be made to provide such support.

The purposes of the preliminary interview include:

- To get basic information necessary to make a report and start an investigation
- To ascertain the safety of the victim
- To determine need for medical attention
- To determine where crime occurred
- To determine when crime occurred
- To determine who is the perpetrator
- To determine if there is forensic evidence on the victim
- To determine if there are witnesses who can be interviewed



Make sure the victim understands you might ask her questions to which she does not know the answer. Reassure her that this is okay and she can tell you when she doesn't know or if she needs time to think about the answer. Your questions will most likely include the following:

*Does anything hurt?*

*When did this happen to you?*

*What happened?*

*Where did it happen?*

*Was there anyone else there?*

*Does the victim know the suspect?*

*Who did it?*

When documenting the victim's statements, do not sanitize them. Preserve them -- they are important. For example, if she says, "that bastard Juan de la Cruz did this to me!" record this statement verbatim. Do not indicate, "The victim identified Juan de la Cruz as the suspect."

Document all facts and observations, including the physical and emotional condition of the victim. Be specific when describing the condition of the victim. For example, indicate that the victim was tearful and trembling, rather than just "upset," or that the victim's shirt was torn and shoe was missing rather than noting that she appeared "disheveled."

Although you will be extremely busy coordinating the crime scene and the investigation, take a few moments to explain the procedures to the victim. The use of a multi-disciplinary team is extremely helpful for this purpose because an advocate can provide emotional support to the victim and take the time to explain what you are doing and why.

3. *Establish that a crime has occurred*

At this time, only minimal information is needed to confirm that the victim was sexually assaulted. However, you need to learn enough information to establish the elements of the crime(s), identify witnesses, suspect(s), potential evidence, and the crime scene. Again, be professional in eliciting such information.

4. *Determine the “type” of sexual assault committed*

It is critical for officers to determine which “type” of sexual assault has been committed because this will affect every aspect of the investigation.

- For example, one type of sexual assault is perpetrated when the victim is unable to consent to sexual activity because she is unconscious, asleep, or comatose.

In these cases, your investigation will focus on information that corroborates the victim's level of intoxication. For example, you would want to document whether the victim was vomiting or whether witnesses last saw the victim be carried out of the bar by the suspect.

- A second “type” of sexual assault occurs when the victim is incapable of giving consent because of a mental disorder, developmental disability, or physical disability.

This type of case requires that the investigating officer establish whether the victim has the intelligence capable of understanding the act, its nature, and its possible consequences. The investigation must also support the fact that the offender knew the victim was incapable of giving effective consent at the time of the assault.

- The most common form of reported sexual assault is forced, meaning that the sexual acts were perpetrated using force or threat.

In this type of case, the officer will need to document the presence of force or threat during the sexual activity. It is important to get statements from the victim regarding what she was thinking and feeling during the assault, to demonstrate that she submitted out of fear and did not consent.

Officers must clearly understand that the investigation of each “type” of sexual assault requires corroboration of an entirely different nature. In other words, the information needed to prove the elements required for these investigations is unique to that specific crime.

5. *Assess the need for forensic examination of the victim*

The investigating officer must determine whether a forensic sexual assault examination should be obtained for the victim. The following are offered as guidelines for this assessment:

A sexual assault examination should be obtained if the penile/vaginal penetration, penetration with a foreign object, or sodomy occurred within 72 hours of the report.

Do not hesitate to encourage an examination beyond 72 hours if the victim is complaining of pain or bleeding. Also consider the type of sexual assault and the age of the victim when assessing the need for forensic examination (e.g., prepubescent victims).

#### **CRIME SCENE INVESTIGATION**

It is important to conduct a crime scene investigation after interviewing the child. Identify and secure the crime scene(s) to ensure that evidence is not contaminated or destroyed. Limit crime scene access to essential personnel and record identity and information for anyone who enters or leaves. Also determine whether there is a secondary crime scene.

Crime scenes must be processed exhaustively, because once a crime scene is abandoned there is the potential for evidence to be lost or destroyed. Furthermore, a search warrant may be necessary for further access.

Part of the crime scene investigation would be to identify and interview all potential witnesses.

Refer to the Crime Scene Investigation manual for the specific processes.

## SUSPECT INTERVIEW

If the suspect has been identified, consider the following factors whether an immediate arrest should be made:

- The type of assault
- Protection of the victim
- Potential flight risk
- Protection of the public
- Destruction of evidence

Postponing an arrest can allow the officer to determine whether a search warrant or other tactics could be used to develop incriminating evidence.

If the suspect has been arrested, advise him of his constitutional rights and obtain a statement about what happened. In the initial stages of the investigation, this should be a non-threatening interview and conducted in the presence of the suspect's lawyer.

## WORKING WITH THE MULTI-DISCIPLINARY TEAM

 ***Law enforcement must work with the Department of Social Welfare and Development (DSWD).***

Republic Act 7610 mandates that child victims be immediately placed under the protective custody of the Department of Social Welfare and Development (DSWD). Within forty-eight hours (48 hours) of receiving a report on a possible incident of child abuse, the DSWD representative shall immediately proceed to the house or establishment where the alleged child victim was found in order to interview the child.

#### WHAT DSWD MUST DO


The DSWD and police are likewise mandated to refer the child to a government medical institution or child protection unit for a medico-legal examination. Medical professionals will work with the DSWD to determine an appropriate treatment program and submit any physical evidence recovered from the examination.

#### WORKING WITH PHYSICIANS

The examining physician should be briefed about the details of the assault as you have come to know them. You should also arrange for a briefing with the same physician after the examination.

Make sure you compare notes with the physician as to the type of assault reported. Many victims will disclose acts to medical personnel (e.g., sodomy or oral copulation) that they might not immediately share with law enforcement out of embarrassment. If additional information is revealed, make sure you discuss this new information with the victim.

The examiner should alert you of any obvious forensic findings, such as carpet fibers, or other debris that might be connected to your crime scene. Finally, be sure to carefully document the findings of the examination.

 ***Although it is not mandatory to have a medicolegal certificate at the time of filing of the complaint, law enforcement should encourage all sexual assault victims to get medical attention, including testing for pregnancy and sexually transmitted diseases.***

## LIST OF EVIDENCE TO BE ATTACHED TO THE COMPLAINT

The complaint filed to commence a criminal action consists of the:

Preliminary investigation sheet which should include the complete name and address of the offender;

Sworn written statement or SINUMPAANG SALAYSAY of the complainant or offended party;

Sworn statements of witnesses, if any; and

Sworn statements of any peace officer or public officer charged with enforcement of the law violated

Other requirements:

Such number of copies of the sworn written statements as there are offenders plus two (2) copies for the Office of the Prosecutor;

Sworn written statements shall be subscribed and sworn to before the prosecutor, government official authorized to administer oath or in their absence, any notary public;

Certification of subscribing officer that he personally examined the affiants and is satisfied that they voluntarily executed and understood their statements.

Attachments (*The following may be given at a later date and not necessarily at the time of filing of the complaint*):

Custodial investigation report

Medico-legal report

Investigation report of the Department of Social Welfare and Development (DSWD) or law enforcement agency

Psychological/mental examination

Extra-judicial confession, if any, executed in accordance with Republic Act 7438

Other documentary and physical evidence such as

- child's birth certificate
- Marriage certificate of the parent and offender, if relevant.

**MEMORANDUM:**

**Supreme Court Guidelines In Establishing The Victim's Age In Rape Cases, Either As An Element Of The Crime Or As Qualifying Circumstance**

FROM: State Counsels Mary Grace R. Quintana & Robert L. Larga  
Department of Justice, Republic of the Philippines

DATE: August 18, 2004

The guidelines in appreciating age, either as an element of the crime or as qualifying circumstance, in rape cases, as enunciated in **People v. Pruna** (390 SCRA 577 [2002]), and reiterated in the case of *People of the Philippines vs. Antivola*, G.R. 139236, February 3, 2004.

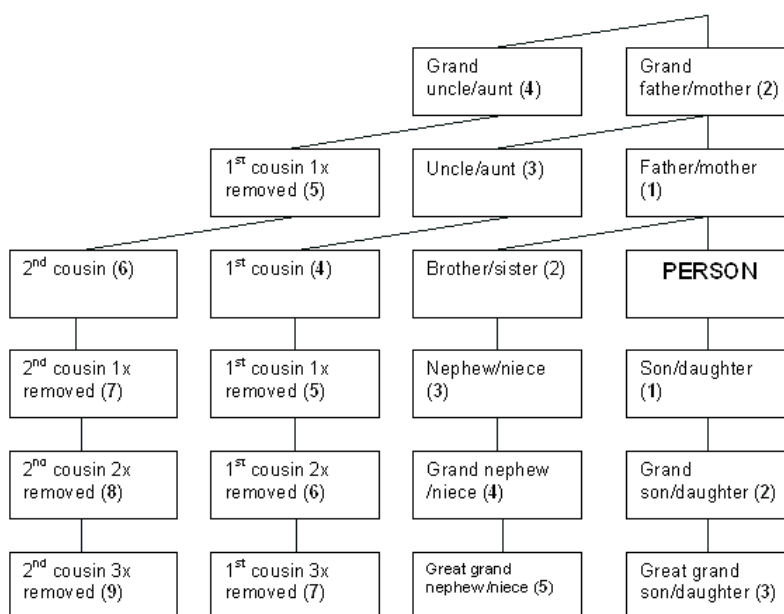
1. The best evidence to prove the age of the offended party is an original or certified true copy of the certificate of live birth of such party.
2. In the absence of a certificate of live birth, similar authentic documents such as baptismal certificate and school records which show the date of birth of the victim would suffice to prove age.
3. If the certificate of live birth or authentic document is shown to have been lost or destroyed or other wise unavailable, the testimony, if clear and credible of the victim's mother or a member of the family either by affinity or consanguinity who is qualified to testify on matters respecting pedigree such as the exact age or date of birth of the offended party pursuant to Section 40, Rule 130 of the Rules on Evidence shall be sufficient under the following circumstances:
  - a. If the victim is alleged to be below 3 years of age and what is sought to be proved is that she is less than 7 years old;
  - b. If the victim is alleged to be below 7 years of age and what is sought to be proved is that she is less than 12 years old;
  - c. If the victim is alleged to be below 12 years of age and what is sought to be proved is that she is less than 18 years old.
4. In the absence of a certificate of live birth, authentic document, or the testimony of the victim's mother or relatives concerning the victim's age, the complainant's testimony will suffice provided that it is expressly and clearly admitted by the accused.
5. It is the prosecution that has the burden of proving the age of the offended party. The failure of the accused to object to the testimonial evidence regarding age shall not be taken against him.
6. The trial court should always make a categorical finding as to the age of the victim



## HOW TO DETERMINE CONSANGUINITY

Consanguinity is the relation subsisting among all the different persons descending from a common ancestor. Lineal consanguinity is that relation which exists among persons, where one is descended from the other, as between son and father or grandfather, and so upwards in a direct ascending line; and between father and son or grandson, and so downwards in a direct descending line. Every generation in this direct course makes a degree, computing either in the ascending or descending line. This being the natural mode of computing the degrees of lineal consanguinity has been adopted by civil, canon, and common law.

**Degree of consanguinity is shown enclosed in parenthesis**



## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**RAPE (RA 8353, THE ANTI-RAPE LAW OF 1997)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Female	Male	1. Insertion of penis to vagina
Male or Female	Male or Female	2. Insertion of penis into another person's mouth or anus.
Male or Female	Male or Female	3. Insertion of any instrument or object into another person's vagina or another person's anus.

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**ACTS OF LASCIVIOUSNESS (ART 336, REVISED**  
**PENAL CODE [RPC] AMENDED BY RA 8353)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Male or Female	Male or Female	Any sexual act other than crime under the crime of rape (e.g. kissing, fondling of breast) committed under any of the following circumstances: Force or intimidation was used, or the victim was deprived of reason, or the victim was unconscious or the victim was under 12 years old

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**VIOLATION OF SEC. 5 (B) OF RA 7610**  
**(LASCIVIOUS CONDUCT)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Male or Female Child	Any person,	Intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, whether of the same or opposite sex, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genitals or pubic area of a person.

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**QUALIFIED SEDUCTION (ART.337 RPC, AS**  
**AMENDED BY RA 8353)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Female	Male who is a person in public authority, priest, house servant, domestic, guardian, teacher, or any person who is entrusted with the education or custody of the woman. Or a woman's brother or ascendant (i.e.. parent or grandparents)	Insertion of penis to vagina and the woman was a virgin*; woman was 12 or over but under 18 y.o * AND there was abuse by the man of his relationship with or without authority over woman or of the woman's trust** (*the womann does not have to be a virgin and could be over 18 years old if she is the daughter, grandchild, or sister of the man. ** may constitute rape if the means employed amounts to "fraudulent machination" or "grave abuse of authority"

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**SIMPLE SEDUCTION (ART 338, RPC)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Female (>12-18yo) single or a widow of good reputation	Male	Enticing the woman to have sexual intercourse with the offender by means of deceit.

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**FORCIBLE ABDUCTION (ART.342, RPC)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Female	Male or Female	Abduction of woman against her will and with lewd designs (abduction of a female <12yo is always considered without her consent)

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**CONSENTED ABDUCTION (ART 334, RPC)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Female who is a virgin AND >12-18yo	Male or Female	Abduction of a woman with her consent after solicitation or cajolery and with lewd design.

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**CHILD PROSTITUTION & OTHER SEXUAL ABUSE**  
**(RA 7610, SEC 5)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child who indulges in sexual intercourse or lascivious conduct for money, profit or other consideration or because of coercion or influence of any adult, syndicate or group (the child is considered as exploited in prostitution and other sexual abuse)	Any Person	<p>I. Engaging in or promoting, facilitation or inducing child prostitution which includes, but is not limited to, the following: (1) Acting as procurer of a child prostitute; (2) inducing a person to be a client of a child prostitute through written or oral advertisement; (3) taking advantage of influence or relationship to procure a child as a prostitute; (4) threatening or using violence towards a child to engage him/her as a prostitute; (5) giving money, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution</p> <p>II. Committing the act of sexual intercourse or lascivious conduct</p> <p>III. Deriving profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, etc.</p>

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**ATTEMPT TO COMMIT CHILD PROSTITUTION**  
**(RA 7610, SEC 6)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child	Any person	<p>Not being a relative of a child, and being found alone with the child inside the room or cubicle of a house, motel, pension house, apartelle, vessels, vehicles or any hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse. Also, receiving services from a child in a sauna parlor or bath, massage clinic, health club, and other similar establishments.</p>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**CORRUPTION OF MINORS (ART.340, RPC)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child as defined by RA 7610	Any person	Not being a relative of a child, and being found alone with the child inside the room or cubicle of a house, motel, pension house, apartelle, vessels, vehicles or any hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse. Also, receiving services from a child in a sauna parlor or bath, massage clinic, health club, and other similar establishments.

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**CHILD TRAFFICKING (RA 7610, SEC 7)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child as defined by RA 7610	Any person	Engaging in trading and dealing with children like buying and selling of a child for money or any consideration, or barter

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**ATTEMPT TO COMMIT CHILD TRAFFICKING**  
**(RA 7610, SECTION 8)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child who indulges in sexual intercourse or lascivious conduct for money, profit or other consideration or because of coercion or influence of any adult, syndicate or group (the child is considered as exploited in prostitution and other sexual abuse)	Any Person	<p>A. When a child travels alone to a foreign country without valid reason therefor and without clearance issued by the DSWD or written permit or justification from the child's parents or legal guardian;</p> <p>B. When a pregnant mother executes an affidavit of consent for adoption for a consideration.</p> <p>C. When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;</p> <p>D. When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any person simulates birth for the purpose of child trafficking; or</p> <p>E. When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day-care centers, or other child-caring institutions who can be offered for the purpose of child trafficking.</p>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**VIOLATION OF RA 9208 (ANTI-TRAFFICKING IN**  
**PERSONS ACT OF 2003)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Any person	Any person	<p>Section 4:</p> <p>(a) recruit, transport, transfer, harbor, provide or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;</p> <p>(b) introduce or match for money, profit or material, economic or other consideration, any person, or as provided for under Republic Act 6955, any Filipino women to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage.</p> <p>(c) offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling or training them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, voluntary servitude or debt bondage;</p> <p>(d) undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;</p> <p>(e) maintain or hire a person to engage in prostitution, pornography or sexual exploitation;</p>



## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**VIOLATION OF RA 9208 (ANTI-TRAFFICKING IN**  
**PERSONS ACT OF 2003)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Any person	Any person	<p>(f) adopt or facilitate the adoption of persons for the purpose of prostitution or pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;</p> <p>(G) recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion or intimidation for the purpose of removal or sale of organs of said person;</p> <p>(h) recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.</p> <p>Section 5:</p> <p>(a) lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;</p> <p>(b) produce, print and issue or distribute unissued tampered or fake counseling certificates, registration stickers and certificates of any government agency which issued these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;</p> <p>(c) to advertise, public, print, broadcast or distribute or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer or any propaganda material that promotes trafficking in persons;</p>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CHILD SEXUAL ABUSE**  
**VIOLATION OF RA 9208 (ANTI-TRAFFICKING IN**  
**PERSONS ACT OF 2003)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Any person	Any person	<p>(d) assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the promoting trafficking in persons;</p> <p>(e) maintain or hire a person to engage in prostitution, pornography or sexual exploitation;</p> <p>(F) adopt or facilitate the adoption of persons for the purpose of prostitution or pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;</p> <p>(g) recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion or intimidation for the purpose of removal or sale of organs of said person;</p> <p>(h) recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.</p> <p>Section 5:</p> <p>(a) lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;</p> <p>(b) produce, print and issue or distribute unissued tampered or fake counseling certificates, registration stickers and certificates of any government agency which issued these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;</p>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:**

**VIOLATION OF RA 9208 (ANTI-TRAFFICKING IN  
PERSONS ACT OF 2003)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Any person	Any person	<p>(c) to advertise, public, print, broadcast or distribute or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer or any propaganda material that promotes trafficking in persons;</p> <p>(D) assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the promoting trafficking in persons;</p> <p>(e) facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons.</p> <p>Section 6:</p> <p>(a) the trafficked person is a child;</p> <p>(b) the adoption is effected through RA 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;</p>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:**

**VIOLATION OF RA 9208 (ANTI-TRAFFICKING IN  
PERSONS ACT OF 2003)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Any person	Any person	<ul style="list-style-type: none"> <li>(c) the crime is committed by a syndicate or in large scale. Trafficking is deemed committed by a syndicate of carried out by a group of three (3) or more persons conspiring or confederating with one another. IT is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;</li> <li>(d) the offender is an ascendant, parent, sibling, guardian or a person who exercise authority over the trafficked person or when the offense is committed by a public officer or employee;</li> <li>(E) the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;</li> <li>(f) the offender is a member of the military or law enforcement agencies; and</li> <li>(g) the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS)</li> </ul>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE  
MUTILATION (ART.262, RPC)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Any person	Any person	Castration or mutilation of some essential organ for reproduction, such as the penis or ovarium, done purposely to deprive the person of the essential organ; or Lopping or clipping off any part of the body of the offended party other than the essential organ for reproduction, done purposely to deprive that person that part of the body.

**Crime Committed:** **CRIMES APPLICABLE TO PAGAINST CHILDREN  
SERIOUS PHYSICAL INJURIES (ART. 263 & 264, RPC)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Any person	Any person	Wounding beating assaulting, or administering an injurious substance, but without intent to kill, to person and that person: <ol style="list-style-type: none"> <li>1. becomes insane, imbecile , impotent , or blind;</li> <li>2. loses an eye, a hand, a foot, an arm, or a leg; or the use of any such part of the body ; or the capacity of speech , or hear or smell ; becomes incapacitated for work in which he was theretofore habitually engaged;</li> <li>3. becomes deformed, or losses any other part of his/her body or the use thereof, or becomes ill or incapacitated to perform his/her habitual work for more than 90 days;</li> <li>4. becomes ill or incapacitated to perform his/her habitual work for <b><i>more than 30 days but not more than 90 days.</i></b></li> </ol>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:**                      **CRIMES APPLICABLE TO PHYSICAL VIOLENCE  
LESS SERIOUS PHYSICAL INJURIES**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Any person	Any person	Wounding, beating or assaulting a person but without intent to kill, to person and that person becomes incapacitated for labor <b>for 10 days or more (but not more than 30 days,)</b> or shall require medical attendance for the same period and the injury is not one of those falling under the crime of serious physical injuries.

**Crime Committed:**                      **CRIMES APPLICABLE TO PHYSICAL VIOLENCE  
SLIGHT PHYSICAL INJURIES (ART 266, RPC)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Any person	Any person	Wounding, beating or assaulting, or ill-treating a person by deed, but without intent to kill and: <ol style="list-style-type: none"> <li>1. The person incurs physical injuries incapacitating him/her for labor <b>for 1 to 9 days</b>, or requiring medical attendance during the same period;</li> <li>2. The person incurs physical injuries but is not prevented from engaging in his/her habitual work, or does not require medical attendance;</li> <li>3. The person incurs no physical injury.</li> </ol>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE AGAINST CHILDREN**  
**PARRICIDE (ART 246 RPC As AMENDED BY RA 7659)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child or descendant	Parent or descendant	Killing of one's legitimate or illegitimate child; legitimate or illegitimate descendant

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE**  
**INFANTICIDE (ART 255, RPC)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child under 3 days of age	Parent or descendant	Killing of an infant under three days (72 hours) of age

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE**  
**DEATH OR PHYSICAL INJURIES UNDER**  
**EXCEPTIONAL CIRCUMSTANCES (ART 247, RPC)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
		Killing of or infliction of physical injuries on one's daughter who is under 18 years old and lives with the parent upon catching the daughter in the act of sexual intercourse with the seducer, or immediately after catching the daughter in the act ( <i>***if lesser physical injuries are inflicted, the spouse or parent is exempted from any criminal liability</i> ).

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE  
VIOLATION OF RA 9262 (ANTI-VIOLENCE AGAINST  
WOMEN AND THEIR CHILDREN ACT OF 2004)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Women and their children	Ex-husband of the victim or ex-boyfriend or current husband or current boyfriend or those with whom victim had a dating relationship; those with whom victim has a common child	<p>(a) Causing physical harm to the woman or her child;</p> <p>(b) Threatening to cause the woman or her child physical harm;</p> <p>(c) Attempting to cause the woman or her child physical harm;</p> <p>(d) Placing the woman or her child in fear of imminent physical harm;</p> <p>(e) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from to or desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or her child.</p> <p>This shall include, but not limited to, the following acts with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:</p> <ol style="list-style-type: none"> <li>1. Threatening to deprive or actually depriving the woman or her child custody or access to her/his family;</li> <li>2. Depriving or threatening the woman or her children of financial support legally due her or her family or deliberately providing the woman's children insufficient financial support;</li> <li>3. Depriving or threatening to deprive the woman or her child of a legal right;</li> <li>4. Preventing the woman in engaging in any legitimate profession, occupation, business or activity, or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties;</li> </ol>



## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE  
VIOLATION OF RA 9262 (ANTI-VIOLENCE AGAINST  
WOMEN AND THEIR CHILDREN ACT OF 2004)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Women and their children	Ex-husband of the victim or ex-boyfriend or current husband or current boyfriend or those with whom victim had a dating relationship; those with whom victim has a common child	<p>(f) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;</p> <p>(g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat or force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;</p> <p>(h) Engaging in purposeful, knowing, or reckless conduct, personally or through another that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not limited to the following acts;</p> <ol style="list-style-type: none"> <li>1. Stalking or following the woman or her child in public or private places;</li> <li>2. Peering in the window or lingering outside the residence of the woman or her child against her/his will;</li> <li>3. Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;</li> <li>4. Destroying the property and personal belongings or inflicting harm or animals or pets of the woman or her child; and</li> <li>5. Engaging in any form of harassment or violence.</li> </ol> <p>(I) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or denial of access to the woman's child/children.</p>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE AGAINST CHILDREN**  
**VIOLATION OF RA 9231 (ELIMINATION OF THE WORST FORMS OF CHILD LABOR)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child as defined by RA 7610	Male or female employer or corporation	<ol style="list-style-type: none"> <li>(1) All forms of slavery, as defined under the "Anti-Trafficking in Persons Act of 2003". Or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict;</li> <li>(2) Use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances;</li> <li>(3) Use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws;</li> <li>(4) Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be dangerous to the health, safety or morals of children such that <ul style="list-style-type: none"> <li>- debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or</li> <li>-exposes the child to physical or emotional or sexual abuse or is found to be highly stressful psychologically or may prejudice morals;</li> <li>- is performed underground, underwater or at dangerous heights;</li> <li>- involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools;</li> <li>- exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads;</li> </ul> </li> </ol>

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE AGAINST CHILDREN**  
**VIOLATION OF RA 9231 (ELIMINATION OF THE WORST FORMS OF CHILD LABOR)**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child as defined by RA 7610	Male or female employer or corporation	<ul style="list-style-type: none"> <li>- is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing radiation, fire, flammable substances, noxious components and the like or to extreme temperatures, noise levels or vibrations;</li> <li>- is performed under particularly difficult conditions;</li> <li>- exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasite;</li> <li>- involves the manufacture or handling of explosives and other pyrotechnic products</li> <li>- employment of children &lt; 15 years of age</li> <li>- employment in any advertisement directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its byproducts, gambling or any form of violence or pornography</li> </ul>

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE AGAINST CHILDREN**  
**OTHERS ACTS OF NEGLECT, ABUSE, CRUELTY OR EXPLOITATION AND OTHER CONDITIONS PREJUDICIAL TO THE CHILD'S DEVELOPMENT**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child as defined by RA 7610	Male or Female	(A) any other acts of abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development including those covered by Art. 59 of PD 603, as amended

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE AGAINST CHILDREN  
OTHERS ACTS OF NEGLECT, ABUSE, CRUELTY OR EXPLOITATION AND OTHER CONDITIONS PREJUDICIAL**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child as defined by RA 7610	<p>Male or Female</p> <p>Male or Female</p> <p>Male or Female</p> <p>Male or female, owner or manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places</p>	<p>(B) keep or have in his company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places;</p> <p>(C) induce, deliver or offer a minor to any one prohibited by this Act to keep or have in his company a minor;</p> <p>(D) allows any person to take along with him to such place or places any minor herein described;</p> <p>(E) use, coerce, force or intimidate a street child or any other child to:</p> <ul style="list-style-type: none"> <li>- beg or use begging as a means of living;</li> <li>- act as conduit or middleman in drug trafficking or pushing</li> <li>- conduct any illegal activities</li> </ul>

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE AGAINST CHILDREN  
OBSCENE PUBLICATIONS AND INDECENT SHOWS**

VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child as defined by RA 7610	Male or Female	Hiring, employing, using, persuading, inducing or coercing a child to perform in obscene exhibitions and indecent shows, whether live or in video, pose or model in obscene publications or pornographic materials or to sell or distribute the said materials.

## ESSENTIAL ELEMENTS OF CHILD ABUSE CRIMES

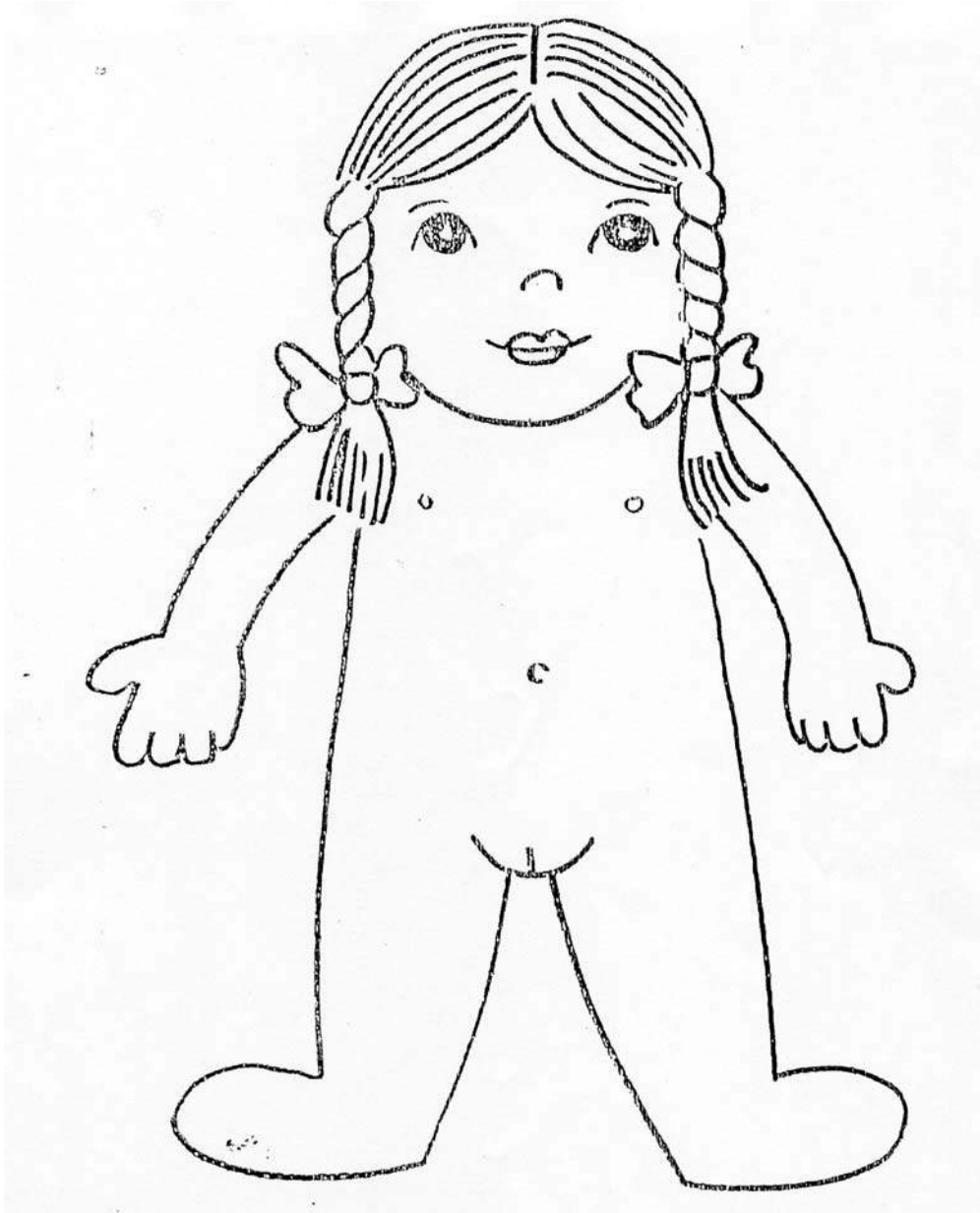
**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE  
AGAINST CHILDREN  
Violation of Section 11 of RA 7610**

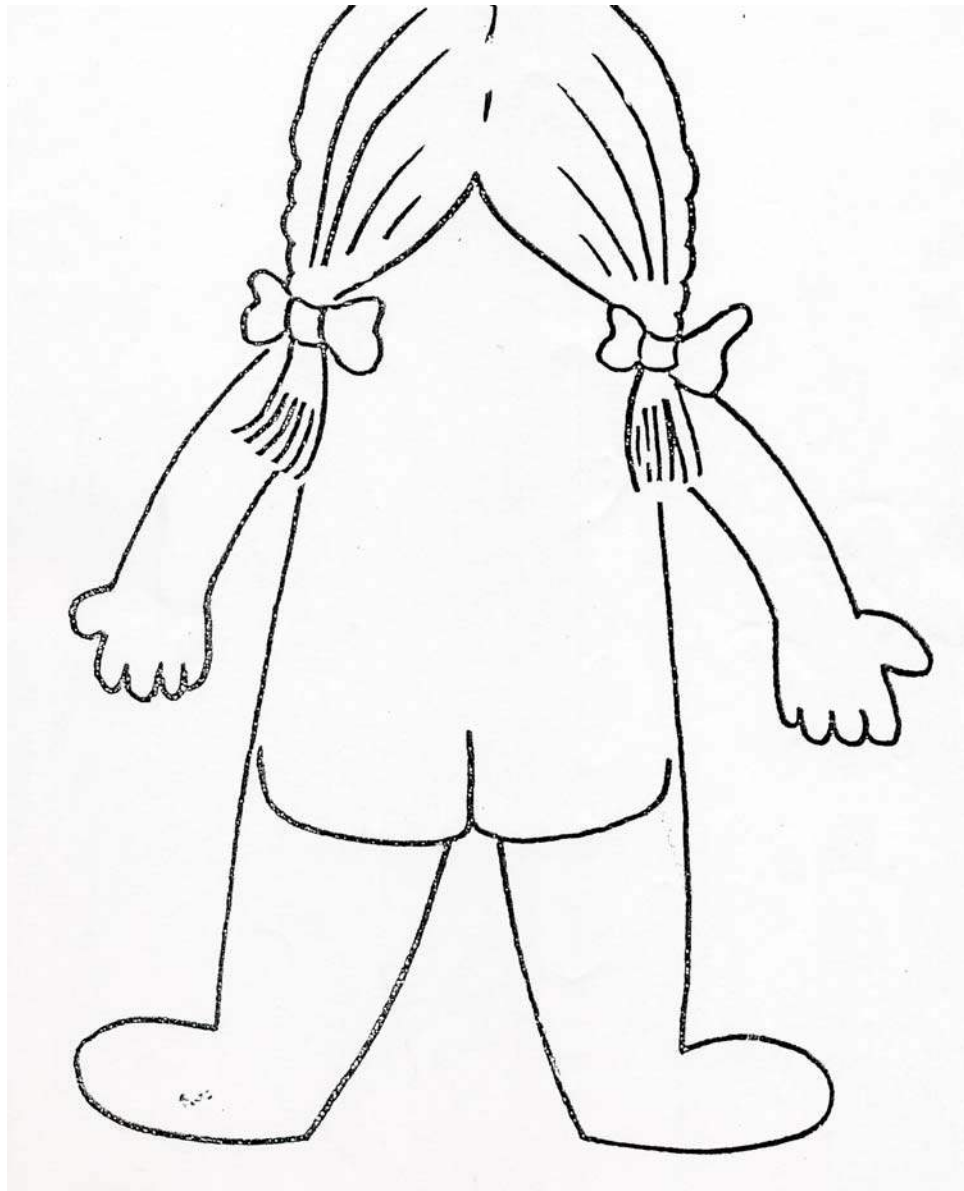
VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child as defined by RA 7610	Establishments or enterprises (owner or manager)	Promoting, facilitating or conducting activities constituting child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows and other acts of abuse

**Crime Committed:** **CRIMES APPLICABLE TO PHYSICAL VIOLENCE  
AGAINST CHILDREN  
DISCRIMINATION OF CHILDREN IN INDIGENOUS  
COMMUNITIES**

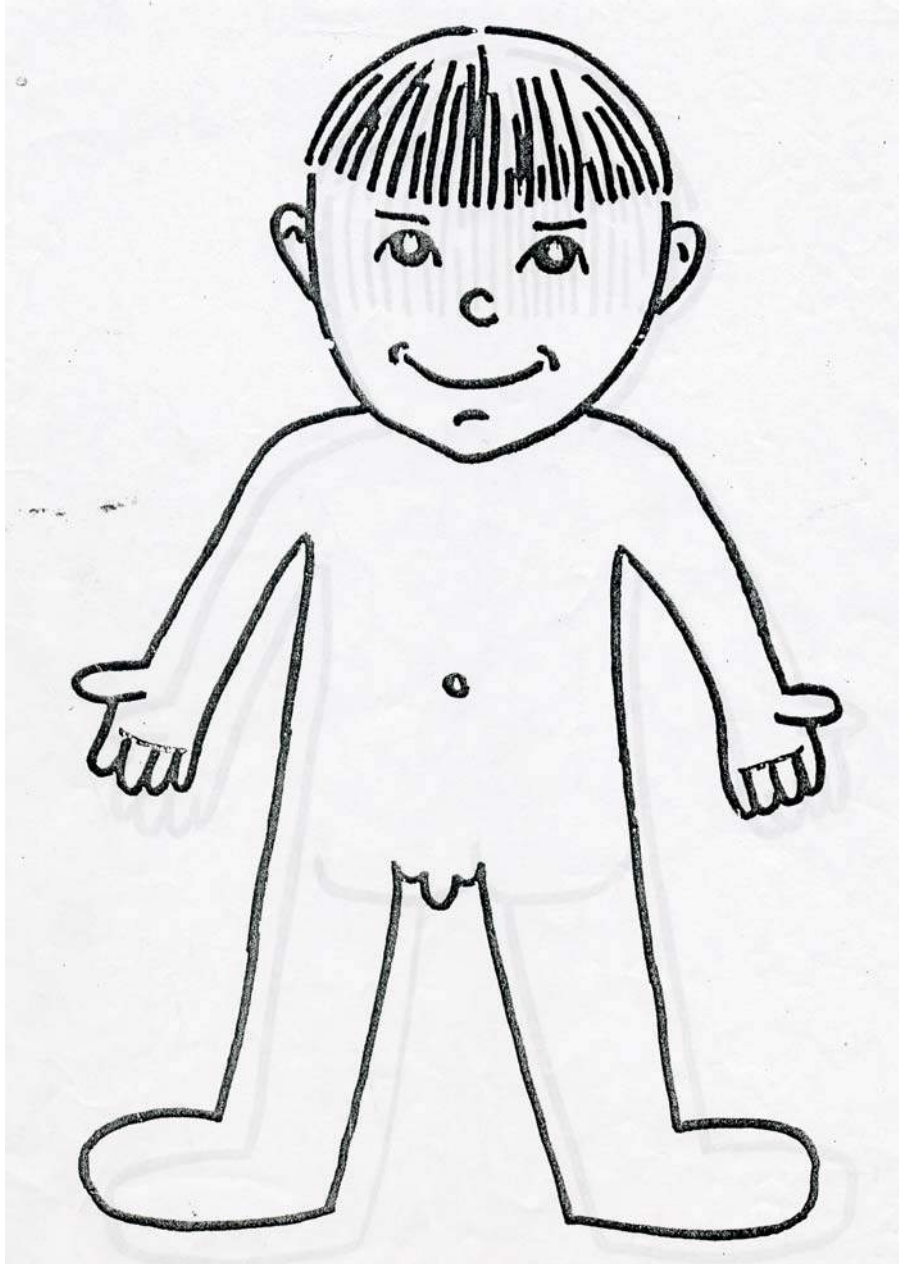
VICTIM	OFFENDER	ACTS CONSTITUTING THE CRIME
Child as defined by RA 7610	Male or Female	All forms of discrimination.

Anatomical Drawing  
Female (Front)



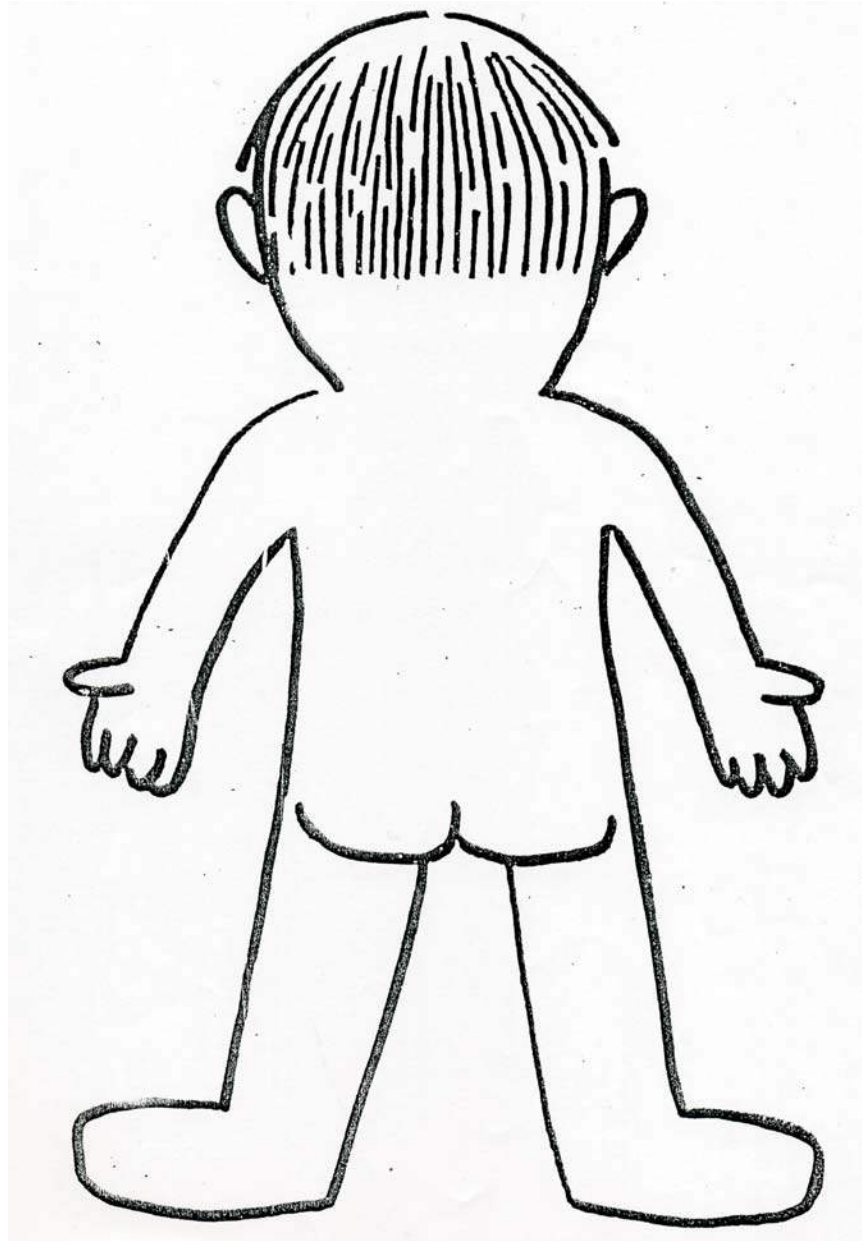


Anatomical Drawing  
Male (Front)





Anatomical Drawing  
Male (Back)



## REFERENCES:

1. Walker, AG. 1994. *Handbook On Questioning Children: A Linguistic perspective*. Washington, DC: ABA Center on Children and the Law.
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3. Technical Working Group. 2002. *Protocol For Investigative Interviews In Child-Friendly Studios*. Philippines: UNICEF
4. *Child-Victim Witness Protocol*. San Diego Regional Child Victim-Witness Task Force: March 2000.
5. *Dutch Course on Hearing Child Witnesses*. Institute for Criminal Investigation and Crime Science, Juvenile and Sexual Crimes Department.

For specific laws, please check the following website:  
<http://www.ops.gov.ph/records/#Republic Acts>

This manual was published by  
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