

**REVISED PROTOCOL FOR THE CASE
MANAGEMENT OF CHILD VICTIMS OF
ABUSE, NEGLECT, EXPLOITATION, AND
DISCRIMINATION
(CANE+D)**

**Committee for the Special Protection of
Children**

2025

MESSAGES

ABBREVIATIONS

BI	Bureau of Immigration
BJMP	Bureau of Jail Management and Penology
CAAC	Children Affected by Armed Conflict
CIAC	Children Involved in Armed Conflict
CICL	Children in Conflict with the Law
CPN	Child Protection Network
CPO	Child Protection Officer
CPU	Child Protection Unit
CSAEM/CSAM	Child Sexual Abuse or Exploitation Material or Child Sexual Abuse Material
CSAC	Children in Situations of Armed Conflict
CSPC	Committee for the Special Protection of Children
CSWDO	City Social Welfare and Development Office
CWC	Council for the Welfare of Children
DepEd	Department of Education
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
FSP	Foreign Service Posts
GAL	Guardian ad Litem
ICT	Information and Communication Technology
IDF	Investigation Data Form
ISA	Image-based Sexual Abuse
LDRRMC	Local Disaster Risk Reduction and Management Councils
LDRRMF	Local Disaster Risk Reduction and Management Fund
LDRRMP	Local Disaster Risk Reduction and Management Plans
LEA	Law Enforcement Agency
LEO	Law Enforcement Officer
LSWDO	Local Social Welfare and Development Office
MDT	Multidisciplinary Team
MSWDO	Municipal Social Welfare and Development Office
MWO	Migrant Workers Offices
NBI	National Bureau of Investigation
NPS	National Prosecution Service
OSAEC	Online Sexual Abuse or Exploitation of Children
PCAR	Parental Capability Assessment Report
PD	Presidential Decree
PDF	Portable Document Format
PNP	Philippine National Police
PTSD	Post-traumatic stress disorder
TIP	Trafficking in Persons
VAWC	Violence against Women and their Children
VAC	Violence against Children

PNP WCPC	Women and Children Protection Center (A Specialized unit for the investigation of Abuse and exploitation and Trafficking in Persons) Camp Crame, Quezon City)
PNP WCPD	PNP Women and Child Protection Desk (located in all Police Stations)
PSWDO	Provincial Social Welfare and Development Office
RA	Republic Act
WCPU	Women and Child Protection Unit (multidisciplinary teams in government and private hospitals and LGUs)

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Intended users:

The Protocol is designed to be used by all professionals and personnel who are involved in cases of child abuse, neglect, exploitation, and discrimination. This includes, but is not limited to, law enforcement officers, health professionals, prosecutors, social workers, barangay officials, Local Councils for the Protection of Children (LCPC), and other relevant personnel.

INTRODUCTION

The Protocol was developed through the Committee on the Special Protection of Children's (CSPC) consultations and workshops with various stakeholders on the implementation of Republic Act No. 7610 (Anti-Child Abuse Law) and other recently-enacted child protection laws.

The purpose of this Protocol is to provide a comprehensive and systematic approach for the duty-bearers in handling and managing cases of child abuse, neglect, exploitation, and discrimination. The duty bearers are all persons who have the responsibility to protect the child, including but not limited to: Barangay Officials, Health Workers, Social Workers, Teachers, Law Enforcement Officers, Prosecutors, and the Courts. This Protocol aims to ensure that all actions taken are in the best interest of the child, uphold the child's rights, and promote their well-being.

The Protocol is also intended to be implemented overseas by Philippine Foreign Service Posts (FSPs), Migrant Workers Offices (MWOs) and Office of the Welfare Attaches in connection with reporting cases to concerned agencies in the Philippines, as well as in providing immediate and temporary support to the child victims.

The scope of this Protocol covers all forms of child abuse, neglect, exploitation, and discrimination (CANE+D). It provides guidelines for the identification, reporting, investigation, case management, legal proceedings, rehabilitation, reintegration, and prevention of these cases.

The application of this Protocol is mandatory in all cases involving CANE+D. It is expected that all stakeholders will adhere to the guidelines set out in this Protocol, ensuring a consistent, coordinated, and effective response to protect the rights and welfare of children.

This Protocol is not intended to replace professional judgment but rather to support it by providing a structured framework for decision-making and action. Thus, all national government agencies and all local government units are highly encouraged to implement this Protocol by the issuance of policies and/or ordinances consistent with this Protocol. It is also designed to promote collaboration and coordination among different professionals and agencies involved in child protection.

The Protocol shall remain applicable in geographically isolated and disadvantaged areas (GIDA) where the local government units (LGUs) shall strive to ensure

implementation of this Protocol with the support of the national government, and during periods of disaster, emergencies, natural hazards, and armed conflicts.

This Protocol is crucial and indispensable in our collective effort to protect children from abuse, neglect, exploitation, and discrimination, and to ensure their right to a safe, nurturing, and supportive environment.

All Filipino children across various settings and contexts shall have an active role in making informed decisions depending on their evolving capacities. The child's age, disability, and other individual circumstances must be considered to ensure their active participation in the implementation of this Protocol.

Training and Certification. All members of the Multi-disciplinary Teams (MDT) and all personnel involved in managing cases of CANE+D, including but not limited to: Barangay Officials, Health Workers, Social Workers, Teachers, Law Enforcement Officers, Prosecutors, and the Courts, shall undergo specialized training and shall be certified upon completion of training to ensure that they are equipped with the necessary skills and knowledge. The training covers the identification, reporting, and handling of CANE+D cases, emphasizing the principles and approaches to case management.

The CSPC through the Child Protection Network (CPN)¹ or the DSWD Academy can facilitate the specialized training and certification.

DEFINITION OF TERMS

As used in this Protocol:

Bullying ²	Refers to any severe or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school for the other student; infringing on the rights of the other student at school; or materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to, the following: a. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting, and the use of available objects as weapons;
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¹ Child Protection Network. (n.d.). *Child Protection Network Foundation, Inc.* Retrieved May 16, 2025, from <https://childprotectionnetwork.org/>

² Republic Act No. 10627, *An Act Requiring All Elementary and Secondary Schools to Adopt Policies to Prevent and Address the Acts of Bullying in Their Institutions* (2013). <https://www.officialgazette.gov.ph/2013/09/12/republic-act-no-10627/>

	<ul style="list-style-type: none"> b. Any act that causes damage to a victim's psyche and/or emotional well-being; c. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes, and body; and d. Cyber-bullying or any bullying done through the use of technology or any electronic means.
CANE+D	Is an acronym for Child Abuse, Neglect, Exploitation, and Discrimination as defined by law.
Case Conference	<p>A case conference is a structured meeting where a multidisciplinary team composed of medical, legal, law enforcement, social work professionals, and other child protection service providers discuss case management and address child protection concerns.</p> <p>When appropriate, family members and children participate in case conferences when decisions need to be made regarding their welfare.</p> <p>Case conferences should result to a comprehensive assessment of the child's needs, a coordinated case plan and roles of all involved, and a monitoring mechanism to ensure effectiveness and accountability.</p>
Case Management	<p>Case management is a structured and systematic process used by social workers to assess, plan, implement, coordinate, monitor, and evaluate services for individuals and families in need. The process involves:</p> <ul style="list-style-type: none"> • Identifying and gathering relevant information about a person's or family's needs, including its root causes. • Assessing the needs of the client and their family • Planning a package of services to meet the client's needs • Implementing the delivery of services • Coordinating the services • Monitoring the delivery of services • Evaluating the services • Advocating for the client <p>Case management is a collaborative and client-centered process that takes place in various settings, including healthcare, mental health, social services, and non-government and community-based organizations.</p>
Case Manager	Refers to a registered social worker who is responsible for the provision and monitoring of services to a particular victim-

	survivor provided by the agency or other agencies in the referral network. They are in charge of case management. ³
Child	Refers to a person below eighteen (18) years of age or one over said age and who, upon evaluation of a qualified physician, psychologist or psychiatrist, is found to be incapable of taking care of himself fully because of a physical or mental disability or condition or of protecting himself from abuse. ⁴ In the case of overseas domestic work, a 'child' means a person below twenty-four (24) years old. ⁵
Child abuse	Refers to the maltreatment, whether habitual or not, of the child which includes any of the following: <ol style="list-style-type: none"> (1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment; (2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death; or (5) Other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development.⁶
Child at Risk	Refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following: <ol style="list-style-type: none"> a. being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or, unable to provide protection for the child; b. being exploited including sexually or economically;

³ Department of Social Welfare and Development. (2012). *Administrative Order No. 14, Series of 2012: Standards in the Implementation of the Case Management for Child Victims of Abuse, Neglect and Exploitation*. https://www.dswd.gov.ph/issuances/AOs/AO_2012-014.pdf

⁴ Republic Act No. 7610, *An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes* (1992). <https://www.officialgazette.gov.ph/1992/06/17/republic-act-no-7610/>

⁵ Republic Act No. 11862, *Expanded Anti-Trafficking in Persons Act of 2022*, s4 (2022). <https://asean.org/wp-content/uploads/2022/07/Republic-Act-No.-11862.pdf>

⁶ Republic Act No. 7610, *An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes* (1992). <https://www.officialgazette.gov.ph/1992/06/17/republic-act-no-7610/>; San Juan v. People, G.R. No. 236628, January 17, 2023. https://lawphil.net/judjuris/juri2023/jan2023/gr_236628_2023.html; Lucido v. People, G.R. No. 217764, August 7, 2017. <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/63351>.

	<ul style="list-style-type: none"> c. being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found; d. coming from a dysfunctional or broken family or without a parent or guardian; e. being out of school; f. children in street situations; g. being a member of a gang; h. living in a community with a high level of criminality or drug abuse; and i. living in situations of armed conflict.⁷
Child-caring Agency	Refers to a duly licensed and accredited agency by the DSWD that provides twenty-four (24)-hour residential care services for abandoned, orphaned, neglected, or voluntarily and involuntarily committed children. ⁸
Child in Conflict with the Law	Refers to a child, below eighteen (18) years of age, who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws. ⁹
Child Labor	Refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental or psychosocial development.
Child Marriage	Refers to any marriage entered into where one or both parties are children and solemnized in civil or church proceedings, or in any recognized traditional, cultural or customary manner. It shall include an informal union or cohabitation outside of wedlock between an adult and a child, or between children; ¹⁰
Child-Placing Agency	Refers to a private non-stock, non-profit agency that the DSWD registers, licenses and accredits to provide alternative child care (or the provision of planned substitute parental care), through comprehensive child welfare services including receiving and processing petitions for adoption and foster care, evaluating the prospective adoptive parents or foster parents, preparing the child case study report and home study report. ¹¹
Child Protection Officer (CPO)	In this Protocol, the CPO refers to a person who is designated by the LGU (Provincial/City/Municipal)/agency/institution/organization as the authorized receiver of reports of CANE+D. The CPO can also be the Case Manager and/or the MAKABATA Coordinator. The CPO should preferably be a

⁷ Republic Act No. 9344, *Juvenile Justice and Welfare Act of 2006*, s4(c) (2006).

https://lawphil.net/statutes/repacts/ra2006/ra_9344_2006.html

⁸ Republic Act No. 11642, *Domestic Administrative Adoption and Alternative Child Care Act*, s4(k) (2022). https://lawphil.net/statutes/repacts/ra2022/ra_11642_2022.html

⁹ Republic Act No. 9344, *Juvenile Justice and Welfare Act of 2006*, s4(e) (2006).

https://lawphil.net/statutes/repacts/ra2006/ra_9344_2006.html

¹⁰ Republic Act No. 11596, *An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof*, s2(b) (2021). https://lawphil.net/statutes/repacts/ra2021/ra_11596_2021.html

¹¹ Department of Social Welfare and Development. (2024). *Memorandum Circular No. 18, Series of 2024: Omnibus Guidelines on the Regulation of Social Welfare and Development Agencies*.

https://www.dswd.gov.ph/wp-content/uploads/2025/03/MC_2024-0181.pdf

	<p>registered social worker. The LSWDO may designate an NGO social worker or a private social worker as the CPO, if necessary and available.</p> <p>Upon receiving a report, the designated Child Protection Officer shall take the following immediate actions:</p> <ol style="list-style-type: none"> Confirm receipt of the report and acknowledge the reporter/informant for bringing the matter to attention; Accurately document all relevant details provided by the reporter/informant in a secure record to ensure data confidentiality and proper tracking; Conduct an intake interview but not a forensic interview; Conduct an initial safety assessment within 72 hours to determine if the child is in immediate danger and take necessary protective actions; Assess the child's basic needs, including food, shelter, and medical care. If any of these needs are unmet, take steps to address them directly or refer the case to the appropriate service providers; Immediately refer the case to the nearest Women and Children Protection Unit (WCPU) for medical, psychological, and other needs assessment; and In cases where the alleged act is still being committed or has just been committed, notify and coordinate with the Women and Children Protection Desk of the nearest law enforcement agency for immediate intervention and legal action, if necessary. <p>If the Child Protection Officer is also the Case Manager, then the Child Protection Officer is also responsible for:</p> <ol style="list-style-type: none"> Validating the credibility and accuracy of the report through an initial assessment and gathering of relevant information; Authorizing a social worker from another agency/institution/organization to be the de facto case manager of the child who might be placed with the agency/institution/organization, retaining authority as the overall case manager; Assessing the needs of a child and their family together with a multidisciplinary team; Conducting scheduled and emergency home visits to assess the child's living conditions and identify risk factors; Preparing a Social Case Study for purposes of case management, healing, recovery, and reintegration or relocation; Developing an individualized care plan that outlines specific services, interventions, and measurable
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	<p>outcomes for the child's healing and reintegration or relocation;</p> <p>g. Referring the child and their family to the necessary services and resources;</p> <p>h. Coordinating the delivery of services among various social agencies and professionals;</p> <p>i. Convening the MDT to help them validate and assess the initial needs of the child;</p> <p>j. Convening case conferences;</p> <p>k. Monitoring the child's progress and the effectiveness of the services provided;</p> <p>l. Regularly evaluating case progress, measuring service effectiveness, and making necessary adjustments to improve child welfare outcomes; and</p> <p>m. Advocating for the child's rights and best interests.</p>
Children Affected by Armed Conflict (CAAC) ¹²	Refers to all children population experiencing or who have experienced armed conflict.
Children in Situations of Armed Conflict (CSAC) ¹³	Refers to all children involved in armed conflict, children affected by armed conflict and internally displaced children.
Children Involved in Armed Conflict (CIAC) ¹⁴	Refers to children who are either forcibly, compulsorily recruited, or who voluntarily joined a government force or any armed group in any capacity. They may participate directly in armed hostilities as combatants or fighters; or indirectly through support roles such as scouts, spies, saboteurs, decoys, checkpoint assistants, couriers, messengers, porters, cooks or as sexual objects.
Child Sexual Abuse or Exploitation Material or Child Sexual Abuse Material ¹⁵	Refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. For purposes of this Act, CSAEM may interchangeably be referred to as CSAM;

¹² Republic Act No. 11188, *Special Protection of Children in Situations of Armed Conflict Act*, s5(i) (2019). https://lawphil.net/statutes/repacts/ra2019/ra_11188_2019.html

¹³ Republic Act No. 11188, *Special Protection of Children in Situations of Armed Conflict Act*, s5(h) (2019). https://lawphil.net/statutes/repacts/ra2019/ra_11188_2019.html

¹⁴ Republic Act No. 11188, *Special Protection of Children in Situations of Armed Conflict Act*, s5(g) (2019). https://lawphil.net/statutes/repacts/ra2019/ra_11188_2019.html

¹⁵ Republic Act No. 11930, *Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act*, s3(c) (2022).

https://lawphil.net/statutes/repacts/ra2022/ra_11930_2022.html

Child Sexual Exploitation ¹⁶	Refers to any of the following acts even if consent appears to have been granted by the child: <ul style="list-style-type: none"> i. Child sexual abuse with consideration whether monetary or nonmonetary consideration, favor, or benefit in exchange for the opportunity to perform such abusive or exploitative act; ii. Actual sexual intercourse with a child or children with or without consideration; iii. Employing fraud, machination, undue influence, intimidation, threat or deception by any person to commit sexual abuse of or sexual intercourse with a child or children; or iv. Any other similar or analogous acts related to child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the development of the child.
Discrimination	Refers to an act of exclusion, distinction, restriction or preference which is based on any ground such as age, ethnicity, sex, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth, being infected or affected by Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (AIDS), being pregnant, being a child in conflict with the law, being a child with disability or other status or condition, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms. ¹⁷
Diversion	Refers to an alternative, child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings. ¹⁸
Duty-Bearers ¹⁹	Duty-bearers are entities or individuals having a particular obligation or responsibility to respect, promote and realize human rights and to abstain from human rights violations. It is commonly used to refer to State actors, but non-State actors can also be considered duty-bearers. Depending on the context, individuals, local organizations, private companies, aid donors, and international institutions can also be duty-bearers.

¹⁶ Republic Act No. 11930, *Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act*, s3(d) (2022).

https://lawphil.net/statutes/repacts/ra2022/ra_11930_2022.html

¹⁷ Department of Education. (2012). *DepEd Order No. 40, s. 2012: Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and Other Forms of Abuse*, sIII.D. https://www.deped.gov.ph/wp-content/uploads/2012/05/DO_s2012_40.pdf

¹⁸ Republic Act No. 9344, *Juvenile Justice and Welfare Act of 2006*, s4(j) (2006).

https://lawphil.net/statutes/repacts/ra2006/ra_9344_2006.html

¹⁹ UNESCO. (n.d.). *Reinforcing capacities of duty bearers*. Retrieved May 16, 2025, from <https://www.unesco.org/en/international-programme-development-communication/duty-bearers>

Home Visit	Refers to the practice of social workers to visit the homes to gather data, assess the needs of clients, and including risk and safety assessments.
In-depth Investigative Interview	Refers to an inquiry or proceeding conducted by a multidisciplinary team for the purpose of eliciting the statement of a child in accordance with developmentally sensitive and legally sound methods of gathering information pertaining to allegations of the commission of a crime, abuse, or exposure to violence.
Internally Displaced Children	Refer to children or group of children, whether separated or together with their families, who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular, as a result of or in order to avoid the effect of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, large scale development projects, and who have not crossed an internationally recognized State border.
Law Enforcement Agency	Refers to any agency authorized by law or by a government agency to engage in or supervise the prevention, detection and investigation of any violation of child protection laws in the Philippines. It shall include the Philippine National Police and National Bureau of Investigation.
Law Enforcement Officer	Refers to an agent or officer of a Law Enforcement Agency trained to engage in or supervise the prevention, detection, and investigation of any violation of child protection laws in the Philippines. It shall include agents of the National Bureau of Investigation or officers of the Philippine National Police.
Legal Guardian	<p>Refers to a person whether natural or juridical having custody of the child in accordance with the Family Code or the Code of Muslim Personal Laws and with authority to make decisions concerning the child's protection and care, e.g., parents, actual custodians of the child, or the proper government agency in charge of the child, unless unfit or disqualified.</p> <p>In case of foundlings, abandoned neglected or abused children and other children similarly situated, parental authority shall be entrusted in summary judicial proceedings to heads of children's homes, orphanages and similar institutions duly accredited by the proper government agency.²⁰ From the time of transfer, the Department of Social Welfare and Development (DSWD) or the duly accredited child-caring institution or individual shall be considered the guardian of the child for all intents and purposes.</p> <p>Legal Guardians also include those persons appointed by a court in appropriate cases.</p>

²⁰ Executive Order No. 209, *The Family Code of the Philippines*, Article 217 (1987).
<https://chanrobles.com/executiveorderno209.htm>

Local Government Unit	Refers to a political and territorial subdivision that can be a Province, City, Municipality, or Barangay. ²¹ Any reference in this Protocol to LGU refers to any or all of these political subdivisions.
Local Medical Health Officer	Refers to the Provincial Health Officer, the City Health Officer, the Rural Health Physician, the Municipal Health Officer, and the Barangay Health Officer, if any.
Local Social Welfare and Development Office	Refers to an office under the local government unit headed by the Social Welfare and Development Officer appointed by the Local Chief Executive pursuant to Article XIII of RA 7160 or the Local Government Code. It can be the Provincial Social Welfare and Development Office, City Social Welfare and Development Office or Municipal Social Welfare and Development Office.
MAKABATA Coordinator	A MAKABATA Coordinator is a duly-appointed or designated government employee at the national and local levels who is responsible for overseeing and coordinating all Children in Need of Special Protection (CNSP) concerns and child protection efforts of the government as described in this Program.
Mental Health	Refers to a state of well-being in which the individual realizes one's own abilities and potentials, copes adequately with the normal stresses of life, displays resilience in the face of extreme life events, works productively and fruitfully, and is able to make a positive contribution to the community. ²²
Multidisciplinary Team	Refers to the composition of the response and helping team in the community, that includes: the doctor, the social worker and the Law Enforcement Officer. For residential care facilities, the houseparent, psychologist and other staff helping the victim-survivor may become members of the MDT. In emergencies, the members of the MDT may include doctors and social workers from the hospitals and non-government organizations providing such services, and members of the barangay councils for security and protection. ²³
Neglect	Means failure to provide, for reasons other than poverty, adequate food, clothing, shelter, basic education or medical

²¹ Republic Act No. 7160, *Local Government Code of 1991* (1991).

https://lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html

²² Republic Act No. 11036, *An Act Establishing a National Mental Health Policy for the Purpose of Enhancing the Delivery of Integrated Mental Health Services, Promoting and Protecting the Rights of Persons Utilizing Psychiatric, Neurologic and Psychosocial Health Services, Appropriating Funds Therefor, and for Other Purposes*, s4(j) (2018).

https://lawphil.net/statutes/repacts/ra2018/ra_11036_2018.html

²³ Department of Social Welfare and Development. (2012). *Administrative Order No. 14, Series of 2012: Standards in the Implementation of the Case Management for Child Victims of Abuse, Neglect and Exploitation*. https://www.dswd.gov.ph/issuances/AOs/AO_2012-014.pdf

	care so as to seriously endanger the physical, mental, social and emotional growth and development of the child. ²⁴
Online Sexual Abuse or Exploitation of Children	Refers to the use of ICT as a means to abuse and/or exploit children sexually, which includes cases in which offline child abuse and/or exploitation is combined with an online component. This can also include, but is not limited to: <ul style="list-style-type: none"> a. the production, dissemination and possession of CSAEM; online grooming of children for sexual purposes; b. sexual extortion of children, sharing image-based sexual abuse; commercial sexual exploitation of children; c. exploitation of children through online prostitution; and d. live-streaming of sexual abuse, with or without the consent of the victim.²⁵
Parent	Refers to parents, guardians, custodians and relatives who exercise parental authority over the child even temporarily.
Parent-Substitute	In default of parents or a judicially appointed guardian, the parent-substitute refers to the following person who exercise substitute parental authority over the child in the order indicated: <ol style="list-style-type: none"> (1) The surviving grandparent; (2) The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and (3) The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.²⁶ <p>It also refers to a person other than the biological parent who has custody over a child and is primarily responsible for his/her care, and physical, moral and intellectual development, such as foster care parents, legal guardians, parent-substitute, and care providers,²⁷ without prejudice to the provisions on parental authority, custody, and guardianship under Presidential Decree (P.D.) No. 1083 (or the Code of Muslim Personal Laws).</p>
Physical Violence against Children	Refers to acts that include bodily or physical harm. ²⁸ It includes but is not limited to lacerations, fractured bones, burns, internal

²⁴ Republic Act No. 11930, *Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act*, s3(a) (2022).

https://lawphil.net/statutes/repacts/ra2022/ra_11930_2022.html

²⁵ Republic Act No. 11930, *Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act*, s3(a) (2022).

https://lawphil.net/statutes/repacts/ra2022/ra_11930_2022.html

²⁶ Executive Order No. 209, *The Family Code of the Philippines*, Article 214 (1987).

<https://chanrobles.com/executiveorderno209.htm>

²⁷ Republic Act No. 11908, *Parent Effectiveness Service Program Act*, s4(d) (2022).

https://lawphil.net/statutes/repacts/ra2022/ra_11908_2022.html

²⁸ Republic Act No. 9262, *Anti-Violence Against Women and Their Children Act of 2004*, s3(a)(A) (2004). https://lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html

	injuries, severe injury or serious bodily harm suffered by a child. ²⁹
Psychological Violence against Children	Refers to acts causing or likely to cause mental or emotional suffering of the child victim. ³⁰
Psychological violence against women	Refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children. ³¹
Sexual Abuse	Includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children; ³²
Sexual Violence against Women	Refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to: <ul style="list-style-type: none"> a. rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser; b. acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion; c. Prostituting the woman or child.³³

²⁹ Republic Act No. 7610, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*, s3(b)(1) (1992). Retrieved from https://lawphil.net/statutes/repacts/ra1992/ra_7610_1992.html

³⁰ Republic Act No. 9262, *Anti-Violence Against Women and Their Children Act of 2004*, § 3(a)(A) (2004). Retrieved from https://lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html

³¹ Republic Act No. 9262, *Anti-Violence Against Women and Their Children Act of 2004*, s3(a)(C) (2004). Retrieved from https://lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html

³² Republic Act No. 9262, *Anti-Violence Against Women and Their Children Act of 2004*, s 3(b) (2004). Retrieved from https://lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html

³³ Republic Act No. 9262, *Anti-Violence Against Women and Their Children Act of 2004*, s3(a)(B) (2004). Retrieved from https://lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html

Surrogate Parent	Refers to any adult member of the family or extended family or a caregiver who chose to act as a substitute parent to a child not legally under his/her parental authority or care. ³⁴
TeleCPUs	Stands for Tele-Child Protection Unit, which refers to Barangays and LSWDOs with teleconsultation equipment and infrastructure for child abuse cases trained to facilitate the provision of child protection services online together with Women and Children Protection Units (WCPUs).
Trafficking in Persons	<p>Refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others, or the engagement of others for the production or distribution, or both, of materials that depict child sexual abuse or exploitation, or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal or sale of organs. The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes, shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph.³⁵</p> <p>Qualified Trafficking is when the trafficked person is a child.</p>
Victim-Survivor	Refers to a child or woman who has experienced any form of abuse, neglect, exploitation, or discrimination as defined under Philippine laws, particularly Republic Act No. 7610 and Republic Act No. 9262. The term “victim” recognizes the person’s legal status as someone who has suffered harm, whether physical, psychological, sexual, or economic, due to acts in violation of their rights. The term “survivor” affirms the individual’s inherent dignity, agency, and capacity to seek redress, protection, and recovery.
Violence against Women and their Children	Refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical,

³⁴ Republic Act No. 11908, *Parent Effectiveness Service Program Act*, s4(e) (2022). Retrieved from https://lawphil.net/statutes/repacts/ra2022/ra_11908_2022.html

³⁵ Republic Act No. 10364, *Expanded Anti-Trafficking in Persons Act of 2012*, s3(a) (2012). Retrieved from https://lawphil.net/statutes/repacts/ra2012/ra_10364_2012.html

	sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. ³⁶
Violence against Children	Refers to all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.” ³⁷
Women and Child Protection Unit	Refers to a unit within a hospital or an LGU unit composed of a multidisciplinary team of trained physicians, social workers, mental health professionals, and police providing comprehensive medical and psychosocial services to women and children victims-survivors of any form of violence. ³⁸
Women and Children Protection Specialty Training	Refers to the completion of the multi-disciplinary team training offered by the Child Protection Network as defined in Department of Health Administrative Order No. 2013-0011 or similar issuances.
Worst forms of child labor ³⁹	Refers to any of the following: <p>(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; or</p> <p>(2) The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or</p> <p>(3) The 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; or</p>

³⁶ Republic Act No. 9262, *Anti-Violence Against Women and Their Children Act of 2004*, s3(a) (2004). Retrieved from https://lawphil.net/statutes/repacts/ra2004/ra_9262_2004.html

³⁷ United Nations. (1990). *Convention on the Rights of the Child*. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> and Council for the Welfare of Children & UNICEF Philippines. (2016). *National Baseline Survey on Violence Against Children: Philippines (Executive Summary)*. Council for the Welfare of Children. Retrieved from <https://www.unicef.org/philippines/media/491/file/National%20Baseline%20Survey%20on%20VAC%20Executive%20Summary.pdf>

³⁸ Department of Health. (2013). *Administrative Order No. 2013-0011: Revised Policy on the Establishment of Women and Their Children Protection Units in All Government Hospitals*. Retrieved from <https://iacvawc.gov.ph/doh-administrative-order-no-2013-0011-revised-policy-on-the-establishment-of-women-and-their-children-protection-units-in-all-government-hospitals/>

³⁹ Republic Act No. 9231, *An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610, as Amended, Otherwise Known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act"*, s3 (2003). Retrieved from https://lawphil.net/statutes/repacts/ra2003/ra_9231_2003.html

	<p>(4) Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:</p> <ul style="list-style-type: none"> a) Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or b) Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or c) Is performed underground, underwater or at dangerous heights; or d) Involves the use of dangerous machinery, equipment and tools, such as power-driven or explosive power-actuated tools; or e) 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; or f) 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; or g) Is performed under particularly difficult conditions; or h) Exposes the child to biological agents such as a bacterium, fungi, viruses, protozoans, nematodes, and other parasites; or i) Involves the manufacture or handling of explosives and other pyrotechnic products.
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CHAPTER 1. CONFIDENTIALITY

Section 1. General prohibition on disclosure.

No person, including the MDT, shall disclose any information that may lead to the identification of a child victim-survivors or their family, unless otherwise allowed by law. The MDT shall ensure that the right to privacy of the victim-survivor or their families shall be observed at all times.

- (a) *Media Practitioners.* Media practitioners, including journalists, reporters, and other media personnel, are strictly prohibited from publishing, broadcasting, or otherwise disseminating any information that could identify a child victim-survivor or their family. This includes names, addresses, photographs, videos, or any other identifying details. Media practitioners shall further be guided by the CWC's Guide for Media Practitioners in the Reporting and Coverage of Cases Involving Children.
- (b) *Social Media and Online Platforms.* Social media influencers, vloggers, bloggers, other online content creators, and any individual, witnesses are similarly prohibited from sharing any identifying information about child victim-survivors or their families on any platform, including social media networks, blogs, and video-sharing websites.
- (c) *The MDT.* Members of the MDT shall be vigilant to members of the public who might be taking photos or videos during the handling of cases, such as during the rescue or transfer of a child. MDT members shall take appropriate measures to prevent unauthorized recording and ensure the confidentiality of the proceedings.
- (d) *Expanded Confidentiality Protections.* Prohibition on acts or statements "that may be construed as blaming the victim or placing responsibility for the offense committed against the victim" and causing "any publicity that may result in the further suffering of the victim."⁴⁰
- (e) *Protection of Reporter/informant Identity.* The identity of individuals who report cases of child abuse, neglect, exploitation and discrimination. shall be protected and kept confidential. No information that could lead to the identification of the reporter/informant shall be disclosed without their explicit written consent, except as required by law or by this Protocol.

Section 2. Public awareness and education.

Efforts shall be made to educate the public, media practitioners, academe, and online content creators about the importance of maintaining confidentiality in cases of child abuse, neglect, exploitation, and discrimination. This includes the development, advocacy, and dissemination of guidelines and training sessions on ethical reporting and responsible content creation and sharing.

⁴⁰ Republic Act No. 11862, *Expanded Anti-Trafficking in Persons Act of 2022*, s94–101 (2022). Retrieved from https://lawphil.net/statutes/repacts/ra2022/ra_11862_2022.html

CHAPTER 2. MANDATORY AND DUTY-BOUND REPORTERS

Section 1. Mandatory reporters.

The following are mandated to make a report, either orally or in writing, to DSWD/LSWDO within forty-eight (48) hours, the examination and/or treatment of a child who appears to have suffered from abuse:

- (a) Head of any public or private hospital, medical clinic and similar institutions, and
- (b) Attending physician and nurse.

Failure to report a child abuse case shall be punishable with a fine of not more than two thousand pesos (P2,000.00) or as may be determined in the future by a court with jurisdiction. Such failure may also subject the mandatory reporter to administrative liability.

Section 2. Duty-bound reporters.

The following government workers have the duty to report all incidents and suspected CANE+D cases:

- (a) Teachers and administrators in public schools;
- (b) Probation officers;
- (c) Government lawyers;
- (d) Law enforcement officers;
- (e) Barangay officials;
- (f) Corrections officers;
- (g) Other government officials and employees whose work involves dealing with children; and
- (h) Other reporters as required by Republic Act Nos. 11862,⁴¹ 11313,⁴² and 11930.⁴³

Any duty-bound government worker who shall fail to report incidents of possible CANE+D cases shall be administratively liable.

⁴¹ Republic Act No. 11862, *Expanded Anti-Trafficking in Persons Act of 2022*, s9(d) (2022). Retrieved from https://lawphil.net/statutes/repacts/ra2022/ra_11862_2022.html

⁴² Republic Act No. 11313, *Safe Spaces Act*, s9 (2019). Retrieved from https://lawphil.net/statutes/repacts/ra2019/ra_11313_2019.html

⁴³ Republic Act No. 11930, *Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act*, s9 (2022). Retrieved from https://lawphil.net/statutes/repacts/ra2022/ra_11930_2022.html; Department of Justice & Department of Social Welfare and Development. (2023). *Implementing Rules and Regulations of Republic Act No. 11930*, Rule II, Art. 1, s5. Retrieved from <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/2/97582>

Section 3. Immunity from liability.

Any person who, acting in good faith, reports or manages a CANE+D case shall be free from any civil, criminal or administrative liability. The identity of the reporter/informant shall remain confidential and shall be protected throughout the process.⁴⁴

Section 4. Flowchart for CANE+D.

(please note that the flowchart will be placed here in the printout)

Section 5. Flowchart for OSAEC.

(please note that the flowchart will be placed here in the printout)

Section 6. Official acceptors of reports.

Any person who personally knows or suspects any incident of CANE+D has the obligation to report the same to a designated Child Protection Officer, preferably a social worker.

The following agencies are designated by law to accept reports of CANE+D cases:

Under R.A. No. 7610	In addition to agencies mentioned in R.A. No. 7610 R.A. No. 11930 also includes the following:
<ul style="list-style-type: none"> a. Department of Social Welfare and Development (DSWD), b. Commission on Human Rights, c. Local Social Welfare and Development Office (LSWDO) of the municipality, city, or province, d. Philippine National Police, e. National Bureau of Investigation, f. Other law enforcement agencies, g. Punong barangay or tribal leader, h. Barangay kagawad, i. Any member of the Barangay Council for the Protection of Children (BCPC), or j. Barangay help desk person or violence against women (VAW) desk officer. 	<ul style="list-style-type: none"> a. Concerned barangay authorities, b. Local Council for the Protection of Children (LCPC), c. School Child Protection Committee, d. Regional Inter-Agency Committee Against Trafficking in Persons and Violence Against Women and their Children (RCAT-VAWC), e. Local Committee Against Trafficking in Persons and Violence Against Women and their Children (LCAT-VAWC), f. Any member agency of the National Coordination Center against Online Sexual Abuse or Exploitation of Children and Child Sexual Abuse or Exploitation Materials (NCC-OSAEC-CSAEM), g. Local anti-OSAEC and anti-CSAEM Committees, or

⁴⁴ Department of Justice. (2023). *Department Circular No. 17: Reiterating the Statutory Immunity in Favor of Persons Reporting or Managing Cases of Child Abuse, Neglect, Exploitation, and Discrimination (CANE+D)*. <https://www.doj.gov.ph/issuances.html> and Inter-Agency Council Against Trafficking. (2023). *Implementing Rules and Regulations of Republic Act No. 11862: Expanded Anti-Trafficking in Persons Act of 2022*, s121. Retrieved from https://iacat.gov.ph/?page_id=6274

	<ul style="list-style-type: none"> h. Any member agency of the Inter-Agency Council Against Trafficking (IACAT) i. Regional Sub-Committee/Committee for the Welfare of Children (RSCWC)” to the list.⁴⁵
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Section 7. Referral to the designated CPO.

All official acceptors shall refer the same CANE+D cases to the designated Child Protection Officer of the agency.⁴⁶

⁴⁵ Republic Act No. 11188, *Special Protection of Children in Situations of Armed Conflict Act*, s25 (2019). https://lawphil.net/statutes/repacts/ra2019/ra_11188_2019.html

⁴⁶ Each agency shall follow its own timeline based on its Citizen’s Charter.

CHAPTER 3. REPORTING AT THE BARANGAY

The barangay is often the nearest place where a child victim-survivor or witness of child abuse may run to and seek assistance.

Section 1. Duties of the Barangay.

The barangay shall:

- (a) Designate a BCPC Focal person, who shall be responsible for its barangay help desk that shall receive and monitor all child abuse and VAW-related cases, and refer the child victim-survivor to the proper agency for appropriate intervention;
- (b) Receive reports at the barangay;
- (c) Enter the report in the barangay blotter exclusively for child abuse and domestic violence cases. This blotter must be kept confidential at all times;
- (d) If the reporter/informant is not the child victim-survivor, interview the reporting person about the incident;
- (e) In instances where the child is the reporter/informant or when the child is brought to the report recipient, a limited interview shall be conducted. Refer to Annex A for the questions regarding the identity and personal information of the child. This includes, but is not limited to, the child's name, age, and contact information;
- (f) The report acceptor shall not ask the child detailed questions regarding the CANE+D case. Such questions should only be asked by the Law Enforcement Officer and the Social Worker or by the MDT during the joint in-depth investigative interview;
- (g) Within 24 hours, contact the LSWDO-designated Child Protection Officer and refer the case to the social worker for validation of complaint and assessment.
 - a. If the CPO is unavailable (e.g., on an official business trip or cannot be reached on a weekend, official holiday, or beyond office hours) and the case seemed to be high risk (e.g., the alleged perpetrator lives under the same roof and no one in the household is protecting the child, there is threat to the safety of the child and her family), the punong barangay shall directly endorse the child to a city/provincial/DSWD residential care facility crisis center, or a non-government organization (NGO) or temporary shelter, foster homes for an emergency overnight or weekend placement. Thereafter, a report stating such endorsement to a crisis center or temporary shelter shall be made by the barangay to LSWDO;
- (h) If the main request is assistance in filing a case, refer the child to the law enforcement officer for the conduct of proper investigation. Any arrest of the alleged perpetrator shall be made in coordination with the law enforcement officer;
- (i) Refer the child to the nearest WCPU, or, if none exists, to the medico-legal officer or the provincial, city or municipal health officer;

- (j) Contact the child's parents/legal guardians/parent-substitute. However, if the alleged perpetrator is a member of the family, the barangay shall immediately inform the LSWDO and/or the law enforcement officer who shall decide whether to notify the parents or guardians;
- (k) Do not conduct any mediation or conciliation relative to the case. Instead, advise the parties that child abuse cases cannot be a subject of any compromise agreement;
- (l) Beyond the reporting stage, assistance may be extended to other parties directly involved in helping the child. The barangay shall escort or assist the social worker in conducting home visits and assist in monitoring the situation and safety of the child and the family;
- (m) The media shall not be allowed to have any access to the child, the child's family, the barangay blotter, the social case study report, and other documents relative to the case to maintain confidentiality; and
- (n) Observe confidentiality at all times.

If the alleged offender is the Punong Barangay or a Barangay Official, the case shall be immediately reported to the LSWDO or any LEO. A complaint can also be filed through the concerned Sangguniang Bayan/Panglungsod.

Section 2. No settlement of cases.

CANE+D cases shall never be settled, mediated or conciliated in the barangay despite the willingness of the parties. No CANE+D cases shall be referred to the Katarungang Pambarangay.

Section 3. Diversion.

Diversion may be conducted in the Katarungan Pambarangay in cases where the offender is a child in conflict with the law (CICL) and is eligible for diversion under Republic Act no. 9344 as amended by Republic Act No. 10630.

CHAPTER 4: REPORTING AT THE LAW ENFORCEMENT AGENCY

Victim-survivors and witnesses may report directly to the nearest law enforcement agency (LEA). They may seek the assistance of any women and children protection desk of the LEA.

Section 1. Duties of the LEA.

Upon receipt of a child abuse complaint, the LEA shall:

- (a) Enter into the police blotter or logbook the complaint made by any of the following:
 - (i) Any person;⁴⁷
 - (ii) Offended party;
 - (iii) Parent or legal guardian;
 - (iv) Ascendant or collateral relative of the child within the third degree of consanguinity;
 - (v) Duly authorized officer or social worker of the DSWD or LSWDO;
 - (vi) Officer, social worker or representative of a licensed child-caring institution;
 - (vii) Punong barangay;
 - (viii) At least three (3) concerned responsible citizens of the community where the abuse took place who have personal knowledge of the offense committed; and
 - (ix) In addition, under R.A. No. 11930, the following may also file a complaint:
 - 1) Any barangay official;
 - 2) Any law enforcement officer; and
 - 3) Any person who has personal knowledge of the circumstances of the commission of any offense under the Act.
- (b) Take the sworn statements of other witnesses and gather other relevant evidence;
- (c) Immediately refer the child victim-survivor to the nearest WCPU or public hospital for medico-legal examination as well as other medical interventions;
- (d) In case of suspicious death of a child, the investigator shall submit a written request for the conduct of mandatory autopsy to the PNP Crime Laboratory or the NBI Crime Laboratory;⁴⁸

⁴⁷ Republic Act No. 11596, *An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof* (2021). https://lawphil.net/statutes/repacts/ra2021/ra_11596_2021.html

⁴⁸ In the alternative, DOJ Department Circular Nos. 55, dated 11 September 2002, and 13, dated 20 February 2023, provide that prosecutors are directed to order the conduct of an autopsy on the body of child-victims upon request of any interested party and upon proper showing that the child may have died under suspicious or abuse-related circumstances, there being no external signs to readily conclude that the child died as a result of violence or crime. "Any interested party" shall include but not limited to

- (e) Prepare an affidavit and include therein the demeanor and behavior of the child victim-survivor during the investigation and interview. If a social worker assisted the child victim-survivor, the investigation report shall also indicate the name of the assisting social worker;
- (f) Prepare the investigation report and endorse it to the Prosecutors' Office for conduct of inquest or preliminary investigation;
- (g) Immediately contact LSWDO or DSWD for further assessment and management and provision of other interventions such as temporary shelter and other services, as may be needed and appropriate;
- (h) Do not release any information to the media. Do not allow the media to interview the child and the child's family; and
- (i) Respect the privacy of the child victim-survivor and the family and keep the police blotter or logbook and other information and evidence confidential.

If the alleged offender is a Police Officer or NBI Agent, the case shall be immediately reported to the LSWDO or the appropriate agency for the conduct of an administrative investigation.

Section 2. Recording procedure.

LEA's shall likewise record reports received from people other than any of the above, which shall be the basis for further validation and investigation. Specifically, for complaints filed before the LEA, the same shall be entered in the separate and confidential blotter book or logbook.

Section 3. A joint interview.

Aside from the information required for recording the report and for assessing the immediate safety and need of the child, the law enforcement officer shall refrain from asking the child victim-survivor questions relating to the CANE+D case until the conduct of the joint interview.

If the crime has just been committed and the child is willing to provide a statement, the LEO shall endeavor to immediately secure the presence of the LSWDO.

Section 4. Investigation.

It is necessary for LEAs to review provisions relating to Investigation and Case Build-up of CANE+D cases under Chapter 16.⁴⁹ LEAs may seek the assistance, coordination, and/or cooperation of prosecutors.

a law enforcement officer, parent or legal guardian, or authorized physicians of the UP-PGH Child Protection Unit (CPU) and other government hospitals. All prosecutors handling cases involving persons who died under suspicious or violent circumstances are enjoined to order the conduct of automatic autopsy on the remains of the victim if no such autopsy has been conducted, except in cases where the religion of the victim/s and other similar justifiable grounds explicitly prevent the same, or order of a competent court.

⁴⁹ Department of Justice. (2024). *Department Circular No. 15: 2024 DOJ-National Prosecution Service (NPS) Rules on Preliminary Investigations and Inquest Proceedings.*

<https://doj.gov.ph/announcements.html?announcementid=5823>

Section 5. Guidelines for joint interview.

The LEA investigators when conducting a joint interview shall follow the guidelines prescribed under Chapter 12, Section 2, Case Management.

Section 6. Attendance at case conference.

The LEA investigator shall attend all case conferences convened by the case manager. These conferences are essential for discussing the specifics of the case, sharing vital information, and collaboratively addressing the immediate and long-term needs of the child.

Section 7. Prohibition against dissuading the victim to file the case.

The LEA is prohibited from dissuading the minor victim or any person filing the complaint on behalf of the child from filing the case against the perpetrator. They are also prohibited from influencing or persuading the minor victim, parents, relatives, guardians, or anyone filing the complaint to execute an affidavit of desistance.

CHAPTER 5. REPORTING AT AN EDUCATIONAL INSTITUTION

Section 1. Child Protection Committee.

All educational institutions must have a Child Protection Committee (CPC),⁵⁰ which, among others, shall:

- (a) Establish a system for identifying students who may be suffering from significant harm based on any physical, emotional or behavioral signs;
- (b) Recognize, report, record, and if appropriate, refer to the relevant agencies, incidents of child abuse, exploitation, neglect, discrimination, violence, and other forms of abuse;
- (c) Give assistance to parents or guardians, whenever necessary in securing expert guidance counseling and basic psychosocial support from the appropriate offices or institutions; and
- (d) Coordinate closely with the PNP WCPD of the nearest precinct or nearest Regional/Field/District Office of the NBI, the LSWDO, a hospital-based CPU where available, other government agencies, and non-government organizations (NGOs), as may be appropriate.

All efforts must be made to ensure that the child continues his or her schooling in all academic interventions, including pregnant girls, children at risk, and children in conflict with the law.

Section 2. Reporting to school principal or counselor.

All personnel of any public or private basic educational institution shall report cases or suspected cases of CANE+D to the School Head and School Counselor of the Care Center. In the absence of a School Counselor, said report shall be made to the Schools Division Superintendent and Schools Division Counselor of the Mental Health and Well-being Office. The School Counselor or School Division Counselor shall then report to the LSWDO within forty-eight (48) hours upon receipt of the report.

In accordance with the administrative rules and regulations of the agencies, reports may be done anonymously.

Section 3. Responsibility to investigate.

No personnel of any public or private basic educational institution has the responsibility to investigate the truth of any matter reported to them by any student. It is the responsibility of the LSWDO, or the child protection officer, or the LEAs, or the WCPU, or the MDT to conduct the investigation.

Section 4. Administrative cases.

⁵⁰ Department of Education. (2012). *DepEd Order No. 40, s. 2012: Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and Other Forms of Abuse*. https://www.deped.gov.ph/wp-content/uploads/2012/05/DO_s2012_40.pdf

Administrative cases arising from CANE+D cases are separate and distinct and shall not be a bar to the filing of a civil or criminal case under this Protocol.⁵¹

If the alleged offender is a personnel, the institution shall immediately provide protective measures to ensure the safety of the child. The institution shall also consider preventive suspension as a protective measure to ensure the safety of the child and other children in the school. If preventive suspension is not applicable due to certain circumstances, alternative measures shall be taken to ensure the safety of the child victim-survivor and other learners.

Administrative cases involving personnel of private schools shall be in accordance with the rules and procedures of that private educational institution.

Section 5. Administrative liability.

All teaching and non-teaching personnel shall be administratively liable for failing to report cases and suspected cases of CANE+D.

⁵¹ Department of Education. (2012). *DepEd Order No. 40, s. 2012: Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and Other Forms of Abuse*, sVI(C). https://www.deped.gov.ph/wp-content/uploads/2012/05/DO_s2012_40.pdf

CHAPTER 6: REPORTING AT A CHILD-CARING OR CHILD-PLACING INSTITUTION

Section 1: Reporting mechanism.

All persons, whether natural or juridical, who are operating a child-caring or child-placing institution shall have a child protection policy, which includes the establishment of a clear and confidential reporting mechanism for CANE+D cases. This could be a designated person, a hotline, or an online form. The reporting mechanism shall be easily accessible to all staff members and the child.

Section 2: Making a report.

House parents, staff members, social workers, and heads of child-caring or child-placing institutions shall report CANE+D cases or suspected cases of CANE+D to the LSWDO within twenty-four (24) hours from knowledge of the same.

Section 3: If the alleged offender is a staff member.

If the alleged offender is a staff member, the institution shall immediately consider preventive suspension as a protective measure to ensure the safety of the child and other children in the institution. If preventive suspension is not applicable due to certain circumstances, alternative measures should be taken to ensure the safety of the child victim-survivor and the other children.

CHAPTER 7: REPORTING AT A CHILD’S WORKPLACE

Section 1: Reporting mechanism.

All persons, whether natural or juridical, who are legally employing children shall have a child protection policy, which includes the establishment of a clear and confidential reporting mechanism for CANE+D cases. This could be a designated person, a hotline (Makabata Helpline 1383), or an online form. The reporting mechanism shall be easily accessible to all staff members and the children.⁵²

Section 2: Making a report.

Any individual who knows of or suspects a case of CANE+D shall immediately report the same to the designated person providing as much detail as possible about the suspected abuse, neglect, or exploitation.

Section 3: Responding to a report.

Upon receiving a report, the designated person or team within the workplace shall notify the LSWDO immediately to ensure the child's safety. This may involve removing the child from the situation, contacting law enforcement, or referring the case to child protection services.

If the alleged offender is an employer, aside from immediately reporting to LSWDO and/or LEA, the case shall be immediately reported to DOLE having jurisdiction over the workplace of the child.

⁵² Republic Act No. 7658, *An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings, Amending for This Purpose Section 12, Article VIII of R.A. 7610* (1993). https://lawphil.net/statutes/repacts/ra1993/ra_7658_1993.html

CHAPTER 8: REPORTING WHEN A CHILD IS A VICTIM OF CHILD LABOR

Any person who personally knows or suspects any incident of child labor shall report the same to DOLE or any of the official acceptors of reports. Alleged incidents of child labor may be anonymously reported through the DOLE Hotline 1349 or the Batang Malaya Child Labor Knowledge Sharing System (batangmalaya.ph) website.

CHAPTER 9: REPORTING AT A DETENTION FACILITY

Wardens, superintendents, and heads of detention facilities shall report to the LSWDO within twenty-four (24) hours cases and suspected cases of CANE+D that have been brought to his/her attention by any person under his/her custody.

If the alleged offender is a warden, superintendent, or head of a provincial jail, the office of the provincial governor shall immediately provide protective measures to ensure the safety of the child. If the alleged offender is a warden, superintendent, or head of a city/municipal/district jail, the Bureau of Jail Management and Penology (BJMP) shall immediately provide protective measures to ensure the safety of the child.

If the alleged offender is a detention facility personnel, the institution shall immediately provide protective measures to ensure the safety of the child. The institution shall also consider preventive suspension as a protective measure to ensure the safety of the child and other children in the detention facility. If preventive suspension is not applicable due to certain circumstances, alternative measures shall be taken to ensure the safety of the child victim-survivor.

CHAPTER 10: REPORTING WHEN THE CHILD IS A CAR OR CICL

At any time during the management of the case of the CICL, the duty-bearer to whom the CANE+D is disclosed or the duty bearer who suspected that the CICL was a victim-survivor of CANE+D shall report to the LSWDO within twenty-four (24) hours from knowledge of the same.⁵³

CHAPTER 11: REPORTING WHEN THE CHILD IS CONSIDERED A VICTIM-SURVIVOR

In cases where the law considers children who committed an offense as victims such as when:

- (a) Children are found in situations of armed conflict whether they are affected, involved, or internally displaced (CAAC, CIAC, IDC);

⁵³ Juvenile Justice and Welfare Council. (2014). *Revised Implementing Rules and Regulations of Republic Act No. 9344 as Amended by Republic Act No. 10630*, Rule 41(a). Retrieved from <https://www.jjwc.gov.ph/wp-content/uploads/2020/01/Revised-Implementing-Rules-and-Regulations-of-RA-9344-as-amended-by-RA-10630.pdf>

- (b) The child committed a crime because he or she was exploited;⁵⁴
- (c) The child was involved in armed conflict,⁵⁵ but did not commit a grave child rights violation.

The commanding officer of the military having custody of the child or any duty-bearer shall report the case to the LSWDO where the child is being held.

⁵⁴ Republic Act No. 9208, as amended by Republic Act No. 10364, *Expanded Anti-Trafficking in Persons Act of 2012* (2012). https://lawphil.net/statutes/repacts/ra2012/ra_10364_2012.html

⁵⁵ Republic Act No. 11188, *Special Protection of Children in Situations of Armed Conflict Act* (2019). https://lawphil.net/statutes/repacts/ra2019/ra_11188_2019.html

CHAPTER 12. CASE MANAGEMENT

The LSWDO social worker plays a crucial role in the management of cases of child abuse. The social worker's intervention is required from the beginning.

Case management shall be the primary responsibility of the LSWDO-designated Child Protection Officer. He/she shall conduct the following: intake interview, safety and risk assessments, home visits, collateral interviews, prepare social case study, convene case conferences, plan the comprehensive healing and reintegration program, and regularly monitor the safety and condition of the child victim-survivor. As may be necessary and appropriate, the LSWDO-designated Child Protection Officer shall also decide on the issue of rescue, protective custody, and petitioning the court for involuntary commitment.

The DSWD through its field and satellite offices and/or the PSWDOs, shall provide technical support, augment resources, and accredit social workers.

If the concerned local government unit does not have a licensed social worker, case management shall be the primary responsibility of the DSWD/PSWDO. In such cases, the DSWD/PSWDO social worker shall be the case manager and shall perform the functions of the C/MSWDO-designated Child Protection Officer.

When a case involves a child victim-survivor and a CICL, the social worker to whom the child victim-survivor was first referred to shall be the case manager. A different social worker shall be the case manager of the CICL. In cities or municipalities where a social worker is unavailable, has a conflict of interest, or when the sole social worker is managing the case of a CICL, the case manager shall be a social worker from the PSWDO.

In the absence of a licensed LSWDO social worker, the social worker from DSWD Field Offices in the province, cities and municipalities shall act as case manager of the child who had the first contact with the latter. The case management of the other child shall be endorsed to a social worker of a WCPU or an NGO operating in the community.

Section 1. Intake interview and safety assessment.

At the intake interview and safety assessment, the LSWDO-designated Child Protection Officer shall perform the following tasks:

- (a) If a rescue operation is not necessary, conduct a visit to the child's home, school, workplace, or where the abusive/exploitative situation is allegedly taking place within 48 hours from the complaint.
- (b) If the report is made by a person who witnessed the abuse or exploitation, interview that person to gather information about the situation, who is involved, how it happened, and what actions have been done relative to the child's situation. Obtain contact details of the reporting party and assure that person's protection and anonymity.

- (c) If the child victim-survivor is accompanied by a parent or other adult, conduct separate interviews of the child victim-survivor and the accompanying adult. Prior to the interview, secure the informed consent of the parent and the child, ensuring that both understand the purpose and process of the interview. Information must be provided in an age-appropriate, culturally sensitive, and disability-inclusive manner to ensure the child is fully aware of their role and rights during the interview.
- (d) Immediately assess and address the child's basic needs, including food, rest, sleep, and emotional support, to stabilize their physical and psychological state. Immediately refer the child to a psychologist, psychiatrist, or mental health professional. If the child is suicidal or exhibiting severe distress, ensure emergency hospitalization or crisis intervention.
- (e) Immediately, but not more than 48 hours, assess the child's safety and risks in the child's current environment.
- (f) Initial actions by the LSWDO-designated Child Protection Officer, depending on the child's situation, are:
 - a. Contact child's parents/legal guardians/, assess their parenting capability and the risks on child's safety;
 - b. If the initial assessment shows that the parents are able to protect the child, particularly if they are not the perpetrator, the child may be released to them or the child continues to stay with them under the supervision of a social worker and monitoring by the barangay;
 - c. If parents are incapable of protecting the child or cannot be contacted or unavailable, contact the child's relatives and other significant persons, for possible temporary care of child after a social worker's assessment. Temporary care with relatives will be supervised by a social worker and monitored by the barangay;
 - d. If there is no alternative caregiver, refer the child for temporary care to a child-caring institution or foster home that is duly registered, licensed, and accredited or managed by the DSWD;
 - e. If medical attention is needed, immediately refer the child to a WCPU or only in the absence of a WCPU, the nearest primary care facility such as the Rural Health Unit, primary hospitals or private health facilities, and clinics;
 - f. If the alleged perpetrator is the child's parent or a family member, discretion must be exercised when notifying the family to ensure the child's safety and prevent further harm. A decision to withhold notification from the child's parents or guardians should be made in consultation with law enforcement, medical professionals, and child protection authorities. It should be based on:
 - (i) Potential harm or continued abuse to the child;
 - (ii) Risk of the alleged perpetrator fleeing or obstructing justice; and
 - (iii) Risk of compromising an ongoing police investigation;

- (g) Conduct collateral interviews and gather other evidence that will either corroborate or negate the allegation of abuse. If corroborated, schedule a thorough assessment of the case to determine the child's need for continuing protection;
- (h) Immediately convene a case conference with the other disciplines and agencies directly involved with the case; and
- (i) Document result of the assessment plan and the intervention process in an electronic case management system where available.

In the absence of a LSWDO-designated Child Protection Officer, the DSWD/PSWDO social worker shall perform the foregoing tasks.

Section 2. Necessity of a joint interview.

Joint interview shall be necessary in any of the following circumstances:

- i. Absence of parent(s), guardian, or family member accompanying the child;
- ii. The child is accompanied by unsupportive parent(s), guardian, or family member;
- iii. There is a concern for the safety of the child; or
- iv. There is a probability of desistance.

Section 3. Guidelines on joint interview.

When conducting a joint interview, the following guidelines shall be observed:

- (a) The interview must be conducted jointly by the LEO and LSWDO. In case the social worker is not available, a trained law enforcement officer (LEO) shall conduct the interview when the child has rested and is prepared to give a statement. A joint interview by the social worker and the LEO is advisable to avoid repeated interviews that would re-traumatize the child;
- (b) It must be conducted in an area where there are investigative services such as a WCPU. Otherwise, it must be conducted in a child-sensitive interview room. In cases where the non-offending parent or guardian is supportive, their informed consent must be obtained before conducting the interview;
- (c) If the parent or guardian is the alleged perpetrator or unsupportive of the child, the child's informed assent should be secured instead, ensuring that the child fully understands the purpose of the interview and is willing to participate. All efforts should be made to explain the process in an age-appropriate manner to both the child and any supportive guardians to avoid further distress;
- (d) When investigating a child abuse-related case, the LEO shall conduct the interview with the presence of the CPO. Before the interview, the CPO shall submit a list of questions to be asked by the LEO interviewer. Before terminating the interview, the LEO shall ask the CPO if there are additional or follow-up questions to be propounded;

- (e) Before interviewing a child victim-survivor with disability/ies, the LEO and social worker shall coordinate with a psychologist, a developmental pediatrician, a special education teacher, a sign language expert, or other appropriate professional with specialized training on handling and communicating with children with special needs or disabilities;
- (f) If the child appears to have special needs, suspend the interview and secure the presence of a trained professional (e.g., special education teacher, sign language expert, social worker, psychologist, or developmental pediatrician) who can assist with the interview. If it becomes evident during the interview that the child has a previously unidentified disability or special needs, the interview must be immediately suspended. The LEO and CPO shall then promptly secure the presence of the non-offending parent or parent-substitute, or an appropriate trained professional, to ensure the interview proceeds in a manner that is sensitive to the child's specific needs;
- (g) As much as possible, the testimony of the victim-survivor shall be taken through audio or video recording to avoid multiple interviews, prevent re-victimization, preserve the testimony of the child victim-survivor and minimize the number of interviews. The audio or video recording shall be sealed and kept in the place where the interview took place to preserve its integrity and observe the proper chain of custody of evidence (Refer to forensic interview Protocol);

If a criminal complaint has been filed, and upon the request of the investigating prosecutor, the LEA shall comply with the request to listen or view the audio or video recording evidence ensuring the confidentiality of the contents thereof and observing the proper chain of custody;

- (h) The interviewer shall secure the following data:
 - (i) Information about the child: age, address, health and educational status, as appropriate, description of the child upon initial contact (physical, social and emotional condition) and effect/impact of the abusive, neglectful or exploitative experience/s including the child's feelings, behavior and other reactions;
 - (ii) Information about the child's family: background, social and economic situation, family relationships and parenting practices, extended family support system, role, if any, in the abusive/exploitative experience of the child, and their reactions/plans relative to such experience and how they can provide a nurturing and protective environment for the child; and
 - (iii) Information on the abusive, neglectful or exploitative situation of the child: the perpetrator and others who are involved, their relationship, if any, with the child, the factors that led to the abuse and how it occurred, including time and place where it occurred, duration and frequency and other relevant information;
- (i) If the child does not speak the local language, secure the assistance of an individual who understands and speaks the language of the child;
- (j) If the child appears to be exhibiting trauma, shows extreme emotions, or becomes violent, suspend the interview and immediately refer the child to a

psychologist, a counselor, a mental health service provider, or a psychosocial health provider for proper intervention;

- (k) The police blotter/logbook, the child's sworn statement, investigation report, and the endorsement letter to the Prosecutors' Office shall indicate the alias used to protect the identity of the child. The necessity of using an alias shall be explained to the child to avoid his/her confusion;
- (l) Before finalizing the sworn statement, the statement must first be shown to, explained, and reviewed by the victim-survivor. If the child victim-survivor is blind or has hearing disability, the statement shall be taken using a video recording camera. The assistance of a sign language expert shall be secured for any interview of a child victim-survivor who is hearing impaired;
- (m) If there is a WCPU with a trained social worker, a forensic interview of the child victim-survivor shall be conducted by the medical doctor and the trained social worker; and
- (n) If the alleged perpetrator is in the police station or within the same premises as the child, the interview of the child victim-survivor must be conducted in a safe and separate room. No contact between the two should be allowed at any time.

Section 4: If there is no joint interview.

In cases where the interview was not conducted jointly by the CPO and the LEO, the reason for the absence of a joint interview must be clearly recorded in the blotter or logbook. The entry in the blotter or logbook should include: (1) the specific circumstances that led to the interview being conducted by a single party, (2) the steps taken to ensure the child's safety and well-being during the interview, and (3) any other relevant details to ensure accountability and transparency in the process.

Section 5. Addressing the immediate needs of the child.

Regardless of whether the initial report of CANE+D has been deemed credible or not, the case manager, the LEA and the WCPU, or in the absence of a WCPU, a suitable health care facility or clinic, shall assess the immediate needs of the child which shall include but not limited to the following:

- (a) Safety;
- (b) Urgent Basic Needs (food, clothing, shelter);
- (c) Medical Care; and
- (d) Psychological First Aid.

The case manager shall immediately refer the child to the appropriate agencies that can provide the needed assistance.

Section 6. Safety.

The case manager and with the assistance of the LEO shall conduct a comprehensive risk assessment to identify any immediate or potential threats to the child's safety. This includes evaluating the child's living conditions, the people around the child, and any other factors that may pose a risk.

To initially assess the child's safety and risks in the child's current environment, the case manager shall:

- (a) Assess the parenting capability of the non-offending parents. They shall also evaluate the risks on child's safety;
- (b) Following an initial assessment, if it is determined that the non-offending parents are capable of safeguarding the child, the child may either be returned to their care or permitted to remain with them under the ongoing supervision of a social worker;
- (c) In the event that the parents are unable to ensure the child's safety, or if they are unreachable or unavailable, the case manager shall reach out to the child's relatives and other important individuals in the child's life to explore the possibility of temporary care for the child under the supervision of a social worker and monitoring of the barangay; and
- (d) In the absence of alternative caregivers, the case manager shall assume protective custody of the child and refer them for temporary care to a government residential care facility, a registered and accredited child-caring institution, or a licensed foster home.

The non-offending parents or guardians of the child shall always be updated on the safety of the child. However, if the alleged offender is a parent or family member of the child, careful judgment should be used when deciding who should be informed about the case. In such instances, the MDT shall determine the recipients of critical information, guided by the following considerations:

- (i) Additional risk or harm to the child;
- (ii) The potential for the alleged offender to flee; and
- (iii) The risk of compromising the investigation.

Section 7. Medical care.

The WCPU or appropriate health facility shall develop a treatment plan⁵⁶ to address the child's immediate medical needs and any on-going care required.

The treatment plan should be implemented promptly and efficiently. The child's health and well-being should be the primary concern at all times. Regular follow-up appointments should be scheduled to monitor the child's progress and adjust the treatment plan as necessary.

⁵⁶ When developing a treatment plan, the case manager can refer patients/cases to facilities that provide mental and health services and medications or to the Department of Health (DOH) Mental Health Access sites. These facilities offer care for mental, neurological, and substance use (MNS) disorders in non-specialist health settings. They are intended for use by doctors, nurses, and other healthcare workers, as well as health planners and managers. This list of access sites is available through this link: <https://bit.ly/2024MH-AccessSites>.

Section 8. Mental Health and Psychosocial Support (MHPSS).

The WCPU or appropriate health facility and the case manager shall provide basic psychosocial support to the child according to the following guidelines:

- (a) Ensure the child is safe from immediate harm.
- (b) Facilitate an informed consent by providing clear, understandable information about the procedure, allowing the child or their guardian to make voluntary decisions.
- (c) Establish a calm, non-threatening connection with the child. Use a gentle tone of voice and reassuring body language. Make sure the child knows you are there to help. Emphasize that all discussions will be treated with confidentiality.
- (d) Allow the child to express their feelings and thoughts. Do not rush them or force them to talk if they are not ready. Validate their emotions and reassure them that it is alright to feel the way they do.
- (e) Offer comfort and reassurance. Let the child know that they are not alone and that there are people who care about them and want to help.
- (f) Do not force the child to recount the traumatic events. Listen empathetically if the child chooses to share, but do not press for details.
- (g) Collaborate with mental health specialists, such as therapists, counselors, or child psychologists for additional psychological assistance. In cases where the child exhibits signs of suicidal tendencies or unusual behavior, promptly refer them to a psychologist or psychiatrist, or ensure they are taken to the nearest hospital.

Section 9. Urgent physical needs.

The case manager shall ensure that the child's urgent physical needs are immediately attended to. This shall include food, rest, sleep and others, to stabilize the child's physical and psychological state.

The LCPC and the BCPC shall ensure that these services are included in the Local/Barangay Development Plan for Children and in the Annual Investment Program.

Section 10. Rescue of a child victim-survivor.

If the report received by the DSWD, LSWDO, or LEA indicates that a rescue operation is necessary, the social worker and the police shall immediately meet to plan the operation and determine the appropriate actions to protect the child. The planning and conduct of rescue operations shall proceed as follows:

- (a) The agency that received the initial report shall immediately verify the matter and gather more information;
- (b) The agency shall convene a pre-rescue meeting of the Multi-Disciplinary Team (MDT), including the DSWD/LSWDO, LEA, and concerned Local Government Unit (LGU) officials, to coordinate the rescue operation. This meeting will map out the operation, assign tasks and responsibilities, and identify support

services. If any required services are unavailable locally, the MDT shall identify external agencies that can provide such services;

- (c) Prior to the rescue operation, arrangements for the proper placement of the child shall be made, ensuring that appropriate shelter or care is immediately available upon rescue;
- (d) Confidential information may be shared only with those directly involved in the planning and conduct so as not to preempt the rescue operation;
- (e) The LEA shall lead the rescue operation. The social worker, at a safe distance, shall take custody of the child victim-survivor. The barangay shall assist in securing the family and the community.

Depending on the nature of the case, the composition of the rescue team shall vary (e.g., a trafficking case involving a child worker shall require the presence of a DOLE representative). The composite team shall, however, properly observe role delineation with the LEA as lead agency in rescuing the child and apprehending the alleged perpetrator;

- (f) The barangay or the LEA, however, may immediately rescue a child if coordinating the rescue operations with the nearest available social worker would compromise the safety of the child (e.g., if child is in a far-flung area and it would entail unnecessary delay to contact the nearest DSWD or LSWDO). As soon as the child is rescued, the child shall be immediately endorsed to the DSWD or LSWDO and the rescue operations entered in the barangay and/or LEA blotter;
- (g) If media supplied the information, the rescue team shall prohibit it from taking part in or to cover the rescue operations. The media shall not be allowed to interview or take photos of the child victim-survivor before, during, or after the rescue operations; and
- (h) Immediately bring the rescued child to a WCPU or a hospital to be examined by a doctor or if injured, provided with medical treatment.

Section 11. Protective custody and involuntary commitment of the child.

When investigation discloses sexual abuse, serious physical injury, or life-threatening neglect, the LSWDO-designated CPO, with the assistance of the LEA and/or barangay, shall immediately remove the child from the home or the establishment where the child was found and must place the child under protective custody to ensure the child's safety.

In the event of a conflict between the WCPU and the LGU Social Worker regarding the need for protective custody, the matter shall be referred to the nearest DSWD Regional Field Office for resolution.

Protective custody shall be exercised by DSWD when there is no functional LSWDO; no licensed LSWDO social worker; or when the local political climate threatens the life and security of the licensed LSWDO social worker.

When taking protective custody of a child victim-survivor, the following shall be observed:

- (a) If the parent has been found capable based on the Parental Capability Assessment Report (PCAR), the child may remain with the parent. Otherwise, the child shall be placed with a competent and willing relative who can ensure the child's safety and protection after the social worker's assessment;
- (b) In the absence of a relative, the child may be placed in a DSWD-managed facility, an accredited child-caring institution, or a licensed foster home;
- (c) When report of sexual abuse, serious injuries or life-threatening neglect is made to a WCPU doctor or social worker or to an NGO social worker, the latter shall immediately inform the LSWDO of the area where the subject child victim-survivor resides or may be found;
- (d) The LSWDO-designated CPO who received the report shall immediately arrange overnight placement for the child while finalizing transfer of physical custody to a nearest kin or to a temporary shelter. When the LSWDO-designated CPO cannot act or is unavailable to act; or when the complainant goes directly to DSWD; the DSWD shall act on the matter;
- (e) When the LSWDO-designated CPO or DSWD is unavailable to personally arrange protective custody, and another person (e.g., WCPU or NGO social worker, barangay official, help desk personnel, guidance counselor, etc.) endorses the child to a temporary shelter, the LSWDO-designated CPO or DSWD who received the report shall immediately issue a written authorization. This document shall serve as proof of protective custody and shall authorize the endorser to place the child in a temporary care facility. The person endorsing the child must submit this written authorization along with the initial intake form and other relevant documents to the temporary shelter;
- (f) The LSWDO-designated CPO who issues the written authorization for protective custody enjoys the presumption of good faith and regularity in the performance of duty and shall be free from any civil, criminal, or administrative liability;
- (g) Lack of a social case study shall not be a ground to decline admission of a child victim-survivor in a temporary shelter. A completed initial intake form shall suffice. The social case study, however, along with other additional documentary evidence required by the placement institution must be prepared, completed, and submitted by the LSWDO-designated CPO or the DSWD within ten (10) working days from the time of the child's placement;
- (h) If the child was rescued or transferred to a temporary shelter, government managed facility, a child-caring agency or a foster home without the assistance of the LEA, the CPO must inform the law enforcement agency within 24 hours that the child is placed under protective custody.

If the child was rescued by the LEA without CPO or DSWD assistance, the former must inform the latter that the child was rescued. Upon receipt of such information, the CPO shall immediately arrange the overnight placement of the child victim-survivor with a next of kin, subject to a favorable PCAR, or a temporary facility, a foster home, a government managed facility or a child-

caring agency, pending determination by the multidisciplinary team of the duration of protective custody and the identification of the person/facility with whom the child will be placed;

- (i) The decision to place a child under protective custody must be reviewed every three (3) months in a multidisciplinary case conference to determine whether extending or shortening the period will redound to the best interest of the child. If deemed necessary, the protective custody will be extended or terminated.

The multidisciplinary case conference will also determine to whom the child will be eventually released for community integration;

- (j) If the LSWDO-designated CPO's assessment report recommends continued protection of the child victim-survivor due to an abusive or exploitative home environment, the parents' or guardians' inability to provide protection, or the high risk of further harm, the LSWDO-designated CPO shall, with the assistance of the DSWD, immediately file a Petition for Involuntary Commitment.

If the LSWDO lacks the capacity to file the petition, the DSWD Field Office Director shall temporarily assume this responsibility. To address the LSWDO's limited capacity, the DSWD Field Office shall provide technical assistance, including accrediting social workers to handle court-related cases;

- (k) The Petition for Involuntary Commitment shall be supported by the social case study, police investigation report, medico-legal report, initial psychological assessment, and other relevant documents;
- (l) The Petition for Involuntary Commitment shall be filed in the Family Court or, if there is none, in the Regional Trial Court, of the province or city in which the LSWDO or the DSWD Field Office is located or where the child is found, within 10-14 days after the receipt of the assessment report; and
- (m) The LSWDO-designated Child Protection Officer's assessment report shall be the basis of discussion in a case conference with the LEA, barangay, child protection specialist, and other individuals and agencies involved in the handling of the case so that a comprehensive plan of action may be taken, particularly if a case will be pursued in court.

Efforts shall be exerted to facilitate the continuity of the child's education. Upon request of the LSWDO-designated CPO or DSWD, the child's school of origin shall immediately release the school records and clearance and observe confidentiality on the reason for the child's transfer.

Section 12: Duties of the Case Manager when the Child is in Court.

The following are the duties of the Case Manager/CPO when the child is in Court:

- (a) The case manager shall continue to implement the comprehensive plan for the child's healing, recovery, and reintegration;
- (b) They shall ensure that the child's education is not interrupted, and that the child's life remains as normal as possible;

- (c) They shall assist the court social worker in ensuring that the child is able to participate in the trial comfortably;
- (d) They shall assist the court social worker in coordinating with the MDT members and other agencies or organizations to implement the court order;
- (e) Testify before the court if subpoenaed;
- (f) In places where there are no court social workers, the case manager shall perform the roles of the court social worker;
- (g) Despite the provisional or permanent dismissal of the case, or acquittal of the accused, the case manager shall ensure that the comprehensive healing, recovery, and reintegration plan is properly implemented;
- (h) Advise the prosecutor if virtual testimony of the child's, expert witnesses' or relevant LEA's is required;
- (i) Advise the prosecutor if the minor victim has been transferred to another care facility or have been reintegrated back to the family; and
- (j) Any other duties or obligation to protect the interest of the child.

Section 13: Reintegration and After-care.

The case manager/CPO shall:

- (a) Regularly coordinate with the MDT for the child's protection, recovery, and reintegration based on the treatment/intervention plan;
- (b) Involve the child, the child's family, and the barangay in the development and implementation of the recovery and reintegration plan; and
- (c) Work with the Barangay Council for the Protection of Children or VAWC desk officer or any trained barangay personnel to monitor the well-being of the child and family.

The MDT shall:

- (a) Continuously assess the safety of the child, as well as the parenting capability of the parents and
- (b) Ensure that the healing, recovery, and reintegration plan includes programs to assist the child's family in addressing their identified problems, such as inadequate income to meet basic needs, poor health, out-of-school children, lack of knowledge on proper parenting, and rights of children, etc. Interventions may include parent education, self-employment assistance, vocational/skills training, educational assistance for the children, family counseling/therapy, etc.

If the child is under protective custody and before the child is discharged from the child-caring agency or foster home, the case manager/CPO shall facilitate the provision of after-care services including the possibility of placing/remaining in a foster

home or with a foster family to sustain the gains and achieve the healing and recovery process.

If the perpetrator is also a child and both the perpetrator and the victim-survivor live in the same community, the LSWDO shall ensure that there are two (2) different social workers who are separately handling and monitoring each child. The case manager for the victim-survivor and another social worker for the CICL.

In the case where the child and their family decide to transfer residence, the case manager shall prepare them before the transfer to address fears, apprehension, and doubts, among others. The case manager shall refer them to the receiving social worker/case manager to build and sustain the child's and family's trust in the receiving social worker/case manager.

Section 14. Transferring the case from one case manager to another.

The current case manager/CPO shall accompany the child to their new residence and/or formally transfer the case to the receiving case manager.

In case where the case is transferred to another case manager, the current case manager shall provide the receiving case manager the following:

- (a) A summary of the case;
- (b) Social case study reports;
- (c) Healing, recovery, and reintegration plan; and
- (d) Pertinent reports and records of treatment and interventions.

The current case manager shall call a case conference to discuss the transfer and facilitate the continuation of care.

Section 15. Coordination with the Prosecution Office for Case Build-Up.

Prior to the filing of the complaint to the Prosecution Office, the LEA should coordinate with the head of the Prosecution Office for the conduct of a case build-up conference. The purpose of the case build-up conference is for the review and evaluation of the evidence including but not limited to victim's sworn statement.

CHAPTER 13. THE MULTIDISCIPLINARY TEAM

An effective child protection system requires the collaboration of duty bearers sharing responsibilities, resources, and expertise to provide appropriate protection, legal, and social services.

The Multidisciplinary Team may be composed of professionals who provide or will provide comprehensive and coordinated services to the child and their family. This collaboration is multi-disciplinary that may involve the LEA, lawyer, social worker, medical doctor, psychiatrist, psychologist, and barangay officials, among others.

In places where there are no WCPUs the LGU shall create an MDT composed of at the minimum, the City/Municipal Health Officer, the City/Municipal Social Worker (who may be the CPO), and a LEA.

The case manager/CPO is in charge of calling case conferences as part of case management.

Section 1. Case Conference.

The case manager shall utilize all available methods, including video conferencing, chatrooms, and group chats, to ensure the MDT can convene promptly.

In addition to the MDT case conference, a family case conference shall be held to acknowledge the crucial role of the family in the case management process. This conference will provide an opportunity for the family to actively participate in decision-making, express their views, and help determine the best course of action for the child's safety, healing, and reintegration. The family's input is essential to respect their right to decide for the child, while ensuring that all decisions remain in the child's best interests.

Section 2. Calling a case conference.

The case manager shall regularly call for a conference, particularly under the following circumstances:

- (a) Before placing the child under protective custody;
- (b) Immediately after investigation of serious physical abuse, sexual abuse, or life-threatening neglect to determine suspension or termination of parental authority;
- (c) Three (3) months after granting of petition of involuntary commitment by the court; and
- (d) For periodic assessment of the case, planning, and monitoring of interventions and progress.

Information given and shared during the case conference is confidential and shall not be disclosed to any other person or agency without the permission of the case manager and the source of the information.

Section 3. Roles and responsibilities of MDT Members.

All members of the Multidisciplinary team are expected to perform the following tasks in a manner that contributes to the holistic care of the child:

- (a) *Information Sharing and Confidentiality.* All members of the MDT and all persons involved in handling CANE+D cases shall maintain the highest level of confidentiality regarding the identity, circumstances, and personal information of the victim-survivors and their families;
- (b) *Controlled Access to Information.* Access to information regarding child abuse, neglect, exploitation and discrimination cases shall be strictly controlled and limited to individuals who have a direct role in the investigation, care, or legal proceedings. All individuals with access must sign a confidentiality agreement or a non-disclosure agreement acknowledging their understanding of and commitment to these provisions;

- (c) *Risk Assessment.* Members should evaluate the level of risk and determine whether the child and any other children should be placed under protective custody by conducting a PCAR and drawing on their expertise to make informed decisions about safety. The decision of the MDT on the need for protective custody shall be followed by the LSWDO;
- (d) *Inter-Agency Plan.* Members shall collectively agree on and clearly record an inter-agency case management and intervention plan to protect the child or other children involved, contributing their unique perspectives to create a comprehensive and effective plan. If, subsequently, any individual or agency is unable to implement an agreed plan of action, the concerned individual or agency must inform the case manager as soon as possible;
- (e) *Identification of Additional Resources.* Members should identify other professionals or agencies that may be necessary for implementing the welfare plan and follow-up interventions to protect the child, leveraging their networks and knowledge of available resources; and
- (f) *Identification of the Case Manager.* The MDT shall identify the case manager but the LSWDO-designated CPO is the preferred case manager.

Section 4. The case manager and the MDT.

The case manager shall exercise the following roles and responsibilities in relation to the Multidisciplinary Team:

- (a) Case Development Oversight. Oversee the development of the case;
- (b) Monitoring of the Plan. Ensure and monitor the implementation of decisions that arrive at the case conference, coordinating with the MDT to ensure all actions align with the plan;
- (c) Information Dissemination. Inform all individuals and agencies involved in the treatment or care of the child or parents of all relevant updates concerning the case, facilitating effective communication within the MDT;
- (d) Case Conference Coordination. Discuss the need to call for subsequent case conferences, as circumstances may require, ensuring that the MDT is kept informed and involved;
- (e) Placement Transition Management. Ensure that before a child is placed, removed from, or changed in temporary placement, all relevant personnel and/or organizations are informed of the change, coordinating with the MDT to ensure a smooth transition;
- (f) Case Manager Transition. In the event of a change of case manager, ensure that all relevant information and documents are endorsed to the next case manager, facilitating continuity of care within the MDT;
- (g) Child Preparation: Prepare the child for any decisions affecting them, working closely with the MDT to ensure that the child is supported, and their best interests are upheld; and
- (h) Communication of Outcomes. Decide on how the child and the child's parents will be informed of the case conference outcomes and decisions, especially if

they were not present at the conference, ensuring that communication is clear, empathetic, and respectful.

CHAPTER 14. THE MEDICO-LEGAL EXAMINATION

Immediately after being rescued, the child should be taken to a WCPU or a hospital to be examined by a trained doctor or a trained medico-legal officer. A comprehensive medical evaluation shall be done and appropriate medical intervention provided to ensure the physical and emotional well-being of the child. The trained medico-legal officer shall document the child's age at the time of the medico-legal evaluation, and physical condition including any disability, injuries and other conditions, signs of abuse, and other medical impressions. If the child needs other specialized medical care and management, the examining physician shall refer the child to other specialists (e.g., surgery, orthopedics, psychiatry).

At no time should any person who is not a health professional examine a child. The examination shall be conducted by a WCPU-trained child protection specialist. In the absence of a WCPU in the area, any medico-legal officer or any provincial, city or municipal health officer, or any trained medical professional⁵⁷ shall conduct the examination.

A medico-legal examination of incidents occurring within the last seventy-two (72) hours, with injuries, or safety issues shall be given priority.

In the absence of a parent, the designated LSWDO Child Protection Officer or LGU Social Worker shall sign the required consent form. (Electronically or any other means).

Aside from the doctor and nurse, only persons expressly authorized by the victim-survivor shall be allowed inside a room where medical/physical examinations are being conducted.

The medico-legal report shall not be released to any unauthorized person, especially if the suspect is a parent of the child, or any defense lawyer including PAO.

In case of a child's suspicious and/or abuse-related death, immediately inform the LEA or doctor handling the case, and the case manager, so that an autopsy may be conducted.⁵⁸

⁵⁷ A trained medical professional is one who has undergone the basic Women and Child Protection Specialty Training for doctors as defined in *Department of Health Administrative Order No. 2013-0011: Revised Policy on the Establishment of Women and Their Children Protection Units in All Government Hospitals*. Retrieved from <https://iacvawc.gov.ph/doh-administrative-order-no-2013-0011-revised-policy-on-the-establishment-of-women-and-their-children-protection-units-in-all-government-hospitals/>

⁵⁸ Mandatory autopsy must be conducted either upon the verbal request of the child's parents or even without their consent following DOJ Department Circular Nos. 55, dated 11 September 2002 and 13, dated 20 February 2023, which provides that prosecutors are hereby directed to order the conduct of autopsy on the body of child-victims, upon request of any interested party, and upon proper showing that the child may have died under suspicious or abuse-related circumstances, there being no external signs to readily conclude that the child died as a result of violence or crime. "Any interested

The sexual assault investigation kit and medical evidence shall be sealed, dated, and signed by the examining physician before being turned over to the investigator, who shall accept the medical evidence without need of a court order or a complainant. The evidence custodian shall properly log and document the transfer of evidence to show the chain of custody, facilitate tracking, and protect the integrity and admissibility of evidence.

party” shall include but not limited to a law enforcement officer, parent or legal guardian, or authorized physicians of the UP-PGH Child Protection Unit (CPU) and other government hospitals. All prosecutors handling cases involving persons who died under suspicious or violent circumstances are enjoined to order the conduct of automatic autopsy on the remains of the victim if no such autopsy has been conducted, except in cases where the religion of the victim/s and other similar justifiable grounds explicitly prevent the same, or order of a competent court.

CHAPTER 15. ROLE OF THE LAW ENFORCEMENT AGENCY

Section 1. Duties of the LEA.

The law enforcement agency shall have the following duties:

- (a) Assign a trained law enforcer to be a member of the WCPU or a MDT;
- (b) Refer the child to the nearest WCPU for medical and psychosocial services, or if none is available, to a multidisciplinary team;
- (c) Gather all relevant evidence to establish each element of offense or crime charged. The LEA shall assign an investigator trained on women and child protection to lead the investigation of CANE+D cases and possible violation of other related laws;
- (d) Respond immediately to reports from hospitals and WCPUs requesting for investigation of child abuse cases presenting in the emergency room or performing crime scene investigation immediately so that evidence is not lost from the passage of time;
- (e) Not require a psychological assessment or evaluation if psychological abuse has not been alleged, or if an adverse psychological effect on the child is not an element of the crime being charged;
- (f) Not require a barangay certification for filing of the complaint;
- (g) Exert all efforts to obtain corroborative evidence and, if relevant, object evidence from the crime scene. Object evidence gathered and turned over to the investigator shall be properly inventoried, and its chain of custody properly documented to preserve its evidentiary value. In like manner, the police investigator shall accept the sexual assault investigation kits submitted by the hospitals and WCPU and VAWC Desks for storage and for processing when requested by the court. The LEA shall designate an evidence custodian who shall properly store evidence taken during the investigation;
- (h) Coordinate, when necessary, with government hospitals for the forensic examination and analysis of the biological sample/specimen obtained from the child, the witness/es, and/or the alleged perpetrator;
- (i) Refer electronic/digital evidence to the anti-cybercrime groups/units or appropriate digital crime laboratory or digital forensic expert;
- (j) Conduct a joint interview upon the determination of the readiness of the victim-survivor to give a statement;
- (k) Submit a written request for the conduct of mandatory autopsy to the PNP Crime Laboratory or the NBI Crime Laboratory, in case of suspicious death of a child;⁵⁹

⁵⁹ In the alternative, Department of Justice Department Circular Nos. 55, dated 11 September 2002 and 13, dated 20 February 2023, provides that prosecutors are hereby directed to order the conduct of autopsy on the body of child-victims, upon request of any interested party, and upon proper showing that the child may have died under suspicious or abuse-related circumstances, there being no external

- (l) Prepare an investigation report, attaching thereto all relevant evidence, for filing of a complaint at the prosecutor's office for the conduct of inquest proceedings or preliminary investigation. The investigation report shall include recommendations to the prosecutor on the need to place the victim-survivor under the witness protection program and/or the victims' compensation program, if applicable, or a request for a precautionary hold departure order, among others;
- (m) Locate and maintain contact with the witnesses to ensure their attendance at the inquest proceedings, preliminary investigation, and trial;
- (n) Ensure the privacy of the victim-survivor and the confidentiality of the case at all times. The name and personal circumstances of the victim-survivor or any other information tending to establish his/her identity and that of his/her family shall not be disclosed to the public, especially to the media; and
- (o) Whenever necessary, to provide assistance to the barangay or DSWD, as the case may be, in order to ensure the child's safety from further abuse. To accomplish this, they may coordinate and collaborate with the barangay. In the case where the perpetrator is not detained and the victim-survivor believes that the perpetrator intends to leave the country to evade prosecution, immediately notify the prosecutor and submit a letter request to the Secretary of Justice who shall direct the Bureau of Immigration (BI) to place the alleged perpetrator on the lookout bulletin or in the BI's alert list. Where the case is already filed in court, the prosecutor shall file a motion to the court to issue a precautionary hold departure order directing the immigration to place him/her under the hold departure list.

Section 2: Duties of the LEA when the child is in Court.

The following are the duties of the LEA when the child is in Court:

- (a) Ensure the safety of the child and the witnesses pending trial;
- (b) Appear and bring to court the evidence gathered when subpoenaed;
- (c) Identify relevant evidence and locate missing witnesses when requested by the Public Prosecutor;
- (d) Inform the Public Prosecutor on the alleged perpetrator's possible flight from the Court's jurisdiction;
- (e) Enforce provisional or protection orders issued by the Court;
- (f) Attend Multidisciplinary case conferences, if requested by the case manager;
- (g) Advise the prosecutor if virtual testimony of the child's, expert witnesses' or relevant LEA's is required; and

signs to readily conclude that the child died as a result of violence or crime. "Any interested party" shall include but not limited to a law enforcement officer, parent or legal guardian, or authorized physicians of the UP-PGH Child Protection Unit (CPU) and other government hospitals. All prosecutors handling cases involving persons who died under suspicious or violent circumstances are enjoined to order the conduct of automatic autopsy on the remains of the victim if no such autopsy has been conducted, except in cases where the religion of the victim/s and other similar justifiable grounds explicitly prevent the same, or order of a competent court.

- (h) Any other duties or obligation to protect the interest of the child.

CHAPTER 16. ROLE OF THE DOJ AND THE PROSECUTORS

Section 1. General Duties.

The General Duties of Prosecutors are as follows:

- (a) Prosecutors shall take an active role in the investigation of CANE+D cases and possible violation of other related laws⁶⁰, particularly during the case build-up stage where they may require, assist or otherwise cooperate with the complainants and/or law enforcement agencies;⁶¹
- (b) Prosecutors shall be available to assist, coordinate and cooperate with, and provide sufficient legal guidance to LEA in all planned operations, such as during the rescue operation, entrapment, application for search warrant, and the like, starting from their inception until successful termination of the case;
- (c) The prosecutor shall not require a psychological assessment or evaluation if psychological abuse has not been alleged, or if an adverse psychological effect on the child is not an element of the crime being charged; and
- (d) For purposes of consultation, prosecutors shall make themselves available at any hour of the day or night, even remotely via available telecommunications technology on matters involving proper collection and preservation of evidence, such as but not limited to interviewing of witnesses, preparation of Judicial Affidavits, and vetting of evidence.⁶²

Section 2: Who can file for Violation of Republic Act No. 7610 as amended by Republic Act No. 9231.

Complaints on cases of unlawful acts committed against children as enumerated herein may be filed by any of the following:

- (a) Offended party;
- (b) Parents or guardians;
- (c) Ascendant or collateral relative within the third degree of consanguinity;
- (d) Officer, social worker or representative of a licensed child caring institution;
- (e) Officer or social worker of the DSWD;

⁶⁰ *People v. XXX*, G.R. No. 258194, May 29, 2024, per J. Hernando, First Division. Retrieved from https://lawphil.net/judjuris/juri2024/may2024/gr_258194_2024.html

⁶¹ Department of Justice. (2024). *Department Circular No. 15, Series of 2024: 2024 DOJ-NPS Rules on Preliminary Investigations and Inquest Proceedings*, s7. Retrieved from <https://doj.gov.ph/announcements.html?announcementid=5820>

⁶² Department of Justice. (2024). *Department Circular No. 15, Series of 2024: 2024 DOJ-NPS Rules on Preliminary Investigations and Inquest Proceedings*, s7(d). Retrieved from <https://doj.gov.ph/announcements.html?announcementid=5820>

- (f) Barangay chairman of the place where the violation occurred, where the child is residing or employed; or
- (g) At least three (3) concerned, responsible citizens where the violation occurred.

A criminal case for violation of R.A. No. 7610 may be initiated by filing a complaint against a person who abused a child which may be filed by any of following:

- (a) Offended party;
- (b) Parent or legal guardian;
- (c) Ascendant or collateral relative of the child within the third degree of consanguinity;
- (d) Duly authorized officer or social worker of the DSWD or LSWDO;
- (e) Officer, social worker or representative of a licensed child-caring institution, Punong Barangay; or
- (f) At least three (3) concerned responsible citizens of the community where the abuse took place who have personal knowledge of the offense committed.

A criminal case for violation of R.A. No. 7610 may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

Section 3. Who can file for Violation of RA 11930.

Complaints on cases of any form of child sexual abuse or exploitation punishable under R.A. No. 11930 may be filed by any of the following:

- (a) Offended party;
- (b) Parents or guardians;
- (c) Ascendant or collateral relative within the third (3rd) degree of consanguinity;
- (d) Officer, social worker or representative of a licensed child-caring institution;
- (e) Officer or social worker of the DSWD;
- (f) Local social welfare development officer (LSWDO);
- (g) Any barangay official;
- (h) Any law enforcement officer;
- (i) At least three (3) concerned responsible citizens residing in the place where the violation occurred; or
- (j) Any person who has personal knowledge of the circumstances of the commission of any offense under this Act.

Section 4. Other government agencies.

Criminal cases may also be filed by government agencies mandated by the Constitution, their individual charters or law.

Section 5. Contents of the complaint.

The complaint shall state the following:

- (a) The full and complete names, age and exact home, office, postal or last known addresses of the child;
- (b) The full and complete names and exact home, office, or postal addresses of the complainant if the child is not the complainant;
- (c) The full and complete names and exact home, office, or postal addresses of the respondent; and
- (d) The offense charged and the place and exact date and time of its commission.

Section 6. Inquest.

It is an informal and summary investigation conducted by a prosecutor, or other officers authorized by law, in cases involving persons arrested and detained without a court-issued warrant. The purpose of the investigation is to determine whether the person should remain in custody and be formally charged in court. E-inquest, as an alternative, is the conduct of inquest through video conferencing using the appropriate information and communication technology (ICT).

- a) Upon the filing of the case for inquest, the inquest prosecutor shall evaluate the submitted documents and pieces of evidence pursuant to DOJ Department Circular 20 series of 2023. When the documents and pieces of evidence are incomplete, the inquest prosecutor shall recommend that the complaint against respondent be referred for case build-up and to require the LEA investigator to submit the required evidence within the period prescribed under the provisions of Article 125 of the Revised Penal Code.
- b) In case the accused is released for further investigation, and the prosecutor finds that the arrest was not made in accordance with the law but the evidence on hand warrants the conduct of a regular preliminary investigation, the inquest prosecutor shall:
 - i. Order the release of the detainee/respondent;
 - ii. Shall require the investigator to submit other evidence material to the case; and
 - iii. Inform the case manager and the investigator of such a decision and direct them to ensure the child's safety pending the preliminary investigation's conduct.
- c) Procedures for E-inquest. The following procedures shall be observed in the conduct of e-inquest:⁶³
 - i. The inquest prosecutor, on his/her own initiative or upon request of the referring LEA or concerned private citizen, may opt for the conduct of e-inquest, provided that both the prosecution office and the parties have

⁶³ Department of Justice. (2024). *Department Circular No. 15, Series of 2024: 2024 DOJ-NPS Rules on Preliminary Investigations and Inquest Proceedings*, s12. Retrieved from https://www.doj.gov.ph/files/2024/DC_2024/DC%2015%20series%20of%202024.pdf

- access to ICT. E-inquest is conducted following the same procedure under Section 13, except that the referral letter and all the required documentary evidence, in Portable Document Format (PDF) form, are e-filed to the official email address of the prosecution office, and the proceedings are conducted through videoconferencing via any platform, whichever is practicable (e.g., Zoom platform, Microsoft Teams, Google Meet, among others);
- ii. The referring LEA or the arresting private citizen and the counsel of the respondent shall be provided with the details of the videoconferencing (i.e., date, time, access link, username, and passcode) which shall be recorded. During the videoconference, the inquest prosecutor shall: (1) ensure the attendance of the parties and verify their identities; (2) record all relevant events and narrations in the minutes; (3) administer the oath or affirmation, and; (4) clarify factual issues, if any;
 - iii. If the respondent avails of his/her right to a preliminary investigation, the inquest prosecutor shall direct the referring LEA, the arresting private citizen, or the counsel for the respondent to facilitate the execution of the waiver of Article 125 of the Revised Penal Code, as amended. The waiver signed by the respondent and his/her counsel shall be transmitted to the inquest prosecutor via email; and
 - iv. The hard copy of the original and two (2) duplicate copies of the referral letter and all the required documents and such number of copies as there are respondents as well as the original of the waiver, if applicable, shall be submitted to the prosecution office within the same reglementary period mentioned in Section 13(a).

Section 7: Preliminary Investigation

Preliminary investigation is a summary proceeding to determine whether a person should be indicted in court after ascertaining, based on the evidence provided and after case build-up has been conducted (in cases where case build-up is necessary pursuant to D.C. No. 15 dated 16 July 2024), that there is prima facie evidence with reasonable certainty for the respondent's conviction and that he/she should be held for trial.⁶⁴

Virtual preliminary investigation, as an alternative means, is the conduct of preliminary investigation through videoconferencing using the appropriate ICT. This may be availed of at the initial hearing where both parties are present, and the ICT therefore is available to both the prosecution office and the parties.

Section 7.1. Psychological evaluation not required

The LEA and/or prosecutor shall not require a psychological assessment or evaluation if psychological abuse has not been alleged, or if an adverse psychological effect on the child is not an element of the crime being charged.

⁶⁴ Department of Justice. (2024). *Department Circular No. 15, Series of 2024: 2024 DOJ-NPS Rules on Preliminary Investigations and Inquest Proceedings*, s7. Retrieved from <https://doj.gov.ph/announcements.html?announcementid=5823>

The requirement of a psychological assessment and/or evaluation shall be left to the discretion of the examining physician.

Section 7.2. Procedures

The following procedures stated in DOJ D.C. No. 15, s. 2024 shall be observed in the conduct of virtual preliminary investigation:⁶⁵

- (a) The preliminary investigation is initiated by the filing of the original complaint-affidavit with two (2) duplicate copies for official file and such number of copies as there are respondents, with the prosecution office. Each complaint-affidavit shall be accompanied by a duly accomplished NPS Investigation Data Form (IDF).

The complaint-affidavit shall state, among others, the names and addresses of the parties, the date and place where the alleged crime or offense or violation of the ordinance was committed, and a statement of the facts of how the crime or offense or violation of the ordinance was committed. It shall be accompanied by the affidavits of his/her witnesses, as well as other supporting evidence to establish prima facie evidence with reasonable certainty of conviction;

- (b) Upon receipt of a complaint-affidavit and before the same is docketed, the head of the prosecution office shall ensure sufficiency in form of the complaint-affidavit and the completeness of evidence. For this purpose, he/she shall require the complainant, the referring law enforcement agency, or any third party to submit any lacking piece of evidence.

Once the head of the prosecution office determines that the complaint- affidavit is sufficient in form and the evidence is complete, the same shall be docketed;

- (c) When the respondent is a CICL, the preliminary investigation shall be conducted pursuant to R.A. No. 9344,4 as amended by R.A. No. 10630,5 other applicable laws, issuances, and existing policies on the matter;
- (d) Within five (5) calendar days from receipt of the entire records by the investigating prosecutor, he/she shall either recommend the dismissal of the complaint-affidavit to the head of the prosecution office if he/she finds no ground to continue with the investigation or issue the corresponding subpoena to the parties to appear before him/her for the preliminary investigation hearing. The subpoena shall set the date, time, and place of appearance for the preliminary investigation hearing, which shall not exceed thirty (30) days from the investigating prosecutor's receipt of the entire case records. The subpoena to the respondent shall include the complaint-affidavit and its attachments and shall direct the respondent to submit his/her counter-affidavit and/or affidavit of his/her witnesses on the date set for the purpose, which must be at least ten (10) days from receipt of the subpoena and the complaint-affidavit.

For voluminous records, the prosecutor shall set a separate date for the respondent to pick up the entire case records, which must not be less than ten (10) days prior to the scheduled preliminary investigation hearing. When there are

⁶⁵ *ibid*

pieces of object evidence, the respondent shall be given the opportunity to examine the same and to take photographs at his/her expense;

- (e) During the preliminary investigation hearing, the respondent shall file his/her counter-affidavit which he/she shall subscribe and swear to before the investigating prosecutor or any government official authorized to administer an oath, or in their absence, a notary public.

The respondent or his/her authorized representative shall file the original copy of his/her counter-affidavit and two (2) duplicate copies for official file with the prosecution office and furnish a copy to the complainant or each complainant.

The personal appearance of a respondent during preliminary investigation may be dispensed with provided that his/her counter-affidavit was subscribed and sworn to before any prosecutor, or any government official authorized to administer an oath, or in their absence, a notary public.

A motion to dismiss in lieu of a counter-affidavit shall not be allowed except when it is verified by the respondent and contains his/her defenses, in which case it shall be treated as a counter-affidavit. If the respondent does not appear, the investigating prosecutor shall require proof from the complainant that the respondent's address in the complaint-affidavit, or in the NPS IDF, is the respondent's last known address. If despite receipt of a subpoena at his/her last known address, the respondent fails to appear or file his/her counter-affidavit without any justifiable reason, the investigating prosecutor may consider the case submitted for resolution;

- (f) If the investigating prosecutor finds that the conduct of a virtual preliminary investigation will be beneficial to the fair, speedy, and efficient administration of justice, and that there is prima facie evidence with reasonable certainty for the respondent's conviction and that he/she should be held for trial, the investigating prosecutor may set the continuation of the proceedings through video conferencing;
- (g) Before the initial regular/face-to-face preliminary investigation hearing is terminated, the investigating prosecutor shall issue an order stating that the parties opted to continue the proceedings through videoconferencing. Such order shall likewise contain the following details:
 - (i) the official e-mail addresses and contact details of the prosecution office, the prosecutor, the parties, their witnesses, and counsels;
 - (ii) the date and time of the clarificatory hearing or the e-filing and e-service of pleadings, whichever is applicable;
 - (iii) the date and time of the submission of the hard copies of documents to the prosecution office, which shall not be more than three (3) calendar days prior to the videoconference hearing;
 - (iv) the date and time of the videoconference hearing;
 - (v) the access details (link and passcode) of the videoconference platform (e.g., Zoom), and;
 - (vi) such other matters as may be necessary to define the parameters of the videoconference hearing.

The parties shall sign the order as proof of their conformity thereto.

The investigating prosecutor shall ensure that the schedule for the clarificatory hearing or three-filings, as the case may be, complies with the period prescribed in DOJ D.C. No. 15, s. 2024 under Section 10(f) and (h).

If the respondent fails to submit his/her counter-affidavit during the initial hearing and extension is granted on meritorious grounds, the e-filing of same may be allowed provided that the same shall not exceed ten (10) days;

- (h) The filing of counter-affidavit (in case an extension is allowed), or when deemed necessary, of reply-affidavit or rejoinder-affidavit, shall be made electronically via email. Prior to said electronic filing or service, the submitting party shall have his/her affidavit and/or the affidavit of his/her witnesses subscribed and sworn to before any prosecutor, or government official authorized to administer oath, or in their absence or unavailability, before a notary public, and has jurisdiction over the residence of the affiant. Thereafter, the electronic copy in PDF of the subscribed and sworn affidavits shall be transmitted through email to the official e-mail addresses contained in the order, on or before the schedule set for the purpose;
- (i) The PDF copy of the counter-, reply-, or rejoinder-affidavit shall be separate from the PDF copies of each of the accompanying documents. The filename of each document shall pertain to their respective title or description. All PDF copies of documents must be completely legible;
- (j) Documents that are e-filed and e-served beyond office hours are deemed filed and served on the same day;
- (k) The hard copy of the original affidavit and two (2) duplicates shall be submitted to the prosecution office either personally or by an accredited courier on or before the schedule set in the order. The party submitting the hard copy shall likewise file a verified declaration that the electronically filed affidavit and accompanying documents, if any, are complete and true copies of the hard copies filed with the prosecution office;
- (l) During the videoconference hearing, the investigating prosecutor shall require the affiants to reaffirm their oath in their affidavits. The investigating prosecutor shall personally examine the affiants and may ask questions that can aid in the investigation and the resolution of the case;
- (m) All videoconference hearings shall be recorded; and
- (n) Failure to timely file the affidavits via email and to submit the hard copies thereof with the required verified declaration shall be deemed a waiver of the party's right to do so. Electronic copies of affidavits or of any accompanying document not in PDF, or in PDF but not legible, or are protected by a password or other encryption, or with embedded executable code or scripts, or are otherwise corrupted, shall not be considered as having been filed and therefore excluded from the records of the case.

Section 7.3. Preventing trauma to the child.

The following must be observed to avoid further trauma to the child:

- (a) The child's presence during the preliminary investigation shall not be required. They can be represented by their parents, social worker, or legal counsel;
- (b) Before administering the oath, the prosecutor shall explain the nature and obligation of an oath to the child in a manner they can understand;
- (c) If the child's affidavit is clear and comprehensive, no clarificatory questions should be asked to prevent the child from undergoing multiple interviews that could potentially re-traumatize him/her; and
- (d) If a clarificatory hearing is deemed necessary, it should be scheduled as soon as possible, and the non-offending parent, guardian, parent-substitute, a case manager or a victim-survivor advocate shall be required to accompany the child. In all cases, the prosecutor interviewing the child must do so in a private room, in seclusion or if not possible, virtually. The child shall not face the alleged perpetrator in any hearing. Hearings before the prosecutor shall be conducted in accordance with the Supreme Court Rule in the Examination of the Child Witness.

Section 8. Common provisions for inquest and preliminary investigation.

The common provisions for inquest and preliminary investigation are as follows:

- (a) Prosecutors shall always prioritize child abuse cases over and above all other cases;
- (b) Preferably only prosecutors who have undergone training shall conduct the inquest or preliminary investigation of cases where a child is a victim-survivor. The investigation process shall be as child-sensitive as possible. It shall be conducted in a language or language that the child understands. Use of legal jargon shall be avoided in the child's presence and any legal terminologies used during the proceedings shall be explained to the child;
- (c) Before requesting the child to sign or thumb mark any minutes or record of the proceedings, the investigating prosecutor should take time to explain the contents of any documents the child is about to sign;
- (d) Prosecutors shall only require examinations and assessments if they are essential to prove the elements of the crime charged to protect the child from further trauma and distress and to respect the child's dignity and privacy as well as to promote their physical and psychological well-being;
- (e) The prosecutor shall not require a psychological assessment or evaluation if psychological abuse has not been alleged, or if an adverse psychological effect on the child is not an element of the crime being charged;
- (f) Require the presence of the non-offending parent, guardian, parent-substitute and the case manager or a victim advocate when the child is present;
- (g) Avoid direct interaction between the child and the alleged perpetrator to prevent re-traumatization. The prosecutor may use current technology and software to facilitate communication via video conferencing. Screens, one-way mirrors, and other devices that shield the child from the perpetrator may also be used. The

identification of the perpetrator should be carried out towards the end of the proceedings to avoid threatening the child. In all cases, the case manager and the other pertinent members of the MDT shall prepare the child for these proceedings to minimize the potential stress and trauma and

- (h) Assist in filling for financial assistance with the DOJ Board of Claims within six (6) months from the commission of the incident upon determination that the child was a victim of a violent crime like rape, OSAEC, CSAEM.

Section 9. Confidentiality

To ensure confidentiality, the following must be followed:

- (a) The prosecutor's calendar of cases shall not indicate the child's name to protect their identity and privacy. Instead, the child's code or alias shall be used;
- (b) The media is prohibited to cover any part of the investigation, interview or take photos of the child and other parties involved in the case;
- (c) At the end of the proceedings, the prosecutor shall direct all parties and their counsels, if there are any, not to discuss the case and the proceedings with anyone who is not directly involved therein;
- (d) The criminal information shall not indicate the name of the child. Instead, the child's code or alias shall be used;
- (e) The real name of the child, as well as the names of persons and places that have been replaced with codes, shall be typewritten on the back page of the resolution, along with the criminal information; and
- (f) Prosecutors shall observe the color-coding scheme of case folders (e.g., pink for child abuse-related cases, and violet for VAW-related cases).

Section 10. No dismissal.

No complaint shall be dismissed on the mere basis of an affidavit of desistance or recantation submitted by the child and their family or guardian.

The non-offending parent, guardian, parent-substitute, a case manager or a victim advocate shall be vigilant for any indications of pressure from family or community members for the child to withdraw or desist from the case. Should such pressure be detected, the case manager shall promptly notify the prosecutor.

Section 11. In case of recantation/desistance/withdrawal.

In cases where the child and their family recanted, desisted, or withdrew their complaint, the case manager and the investigator shall jointly take over as complainant of the case. The Investigating prosecutor and the case manager shall exert all efforts to find out the real cause for the submission of the affidavit of desistance.⁶⁶

⁶⁶ DOJ Department Circular No. 54 dated 09 September 2002 directs all prosecutors to relentlessly prosecute the offenders and vigorously oppose and/or manifest strong objection to motions for dismissal of cases involving violations of R.A. No. 7610 filed in court despite the desistance of the child-victims and/or victims' parents or legal guardians; neither shall motion to dismiss on account of such said desistance be initiated by the prosecution.

Section 12. Specific Duties when the child is in Court.

Prosecutors who assisted in the case build-up and investigation of CANE+D cases and possible violation of other related laws shall not conduct the inquest proceeding or preliminary investigation. They shall have the following duties:

- (a) Prepare the child and the other witnesses before their court testimony;
- (b) On a case-to-case basis, identify the sequence of witnesses that will best help and facilitate the child's testimony. If the child has post-traumatic stress disorder (PTSD), present first other witnesses or seek continuance of proceedings until the child is able to testify;
- (c) interview the child and prepare the child for court with the help and in the presence of the non-offending parent, guardian, parent-substitute, a case manager or a victim advocate;
- (d) Arrange with the Court a one-day trial or marathon hearing to reduce time in court, minimize the child's school absence, and disrupt the child's daily routine;
- (e) Move to conduct the child's testimony, expert witnesses' testimony, and relevant LEA's testimony via video conferencing in order to expedite proceedings;
- (f) Move for exclusion of the public or conduct of hearings in chambers to protect the identity of the child and ensure the confidentiality of proceedings;
- (g) Ensure that there is no direct confrontation between the child and the alleged perpetrator. Move to use screens, one-way mirrors, and other devices such as live-link monitors to shield the child from the accused;
- (h) Request the appointment of a sign language expert or other appropriate professionals (e.g., a special education teacher) if the child is deaf or has a disability, to help them effectively communicate with the Court;
- (i) Move that the child's video recording forensic interview be used in lieu of live testimony;
- (j) If the child has a developmental delay that renders them unable to competently testify in court, present the testimony of a mental health professional or developmental pediatrician to explain to the Court the reason the child is unable to testify;
- (k) If the child is suffering from PTSD, present a psychiatrist to explain the condition of the child and the adverse effects of the abuse on him/her, and share recommendations to hasten or facilitate the child's healing and recovery;
- (l) De-brief the child with the help of the parent, legal guardian, parent-substitute, court social worker, or the case manager after the child has testified; explain

Supreme Court Office of the Court Administrator Circular No. 334-2023 reminds all Judges of the Second Level Courts to carefully assess and be circumspect in acting on the desistance and/or settlement in such cases. Any kind of settlement agreed to by the affected parties shall be prohibited for being contrary to law and public policy.

- what will happen next; and give the child the opportunity to ask questions about the process, the case, and articulate other related issues;
- (m) If the child is unavailable, prosecute the case by presenting other witnesses and evidence deemed sufficient to prove the alleged perpetrator's guilt. The child is unavailable in any of the following:
 - (i) Deceased;
 - (ii) Suffers from physical infirmity;
 - (iii) Suffering from severe trauma or mental illness; or
 - (iv) The child could not be located;
 - (n) Request the Court to issue provisional and/or protection orders for the child upon the recommendation of the court social worker;
 - (o) Tap the assistance of LEA to locate missing witnesses;
 - (p) Request the Court to issue a hold departure order upon receipt of verified and confirmed information about the alleged perpetrator's possible flight;
 - (q) Communicate with the Court the child's immediate and long-term concerns and issues;
 - (r) Keep the child informed about the development of the case;
 - (s) If the case manager requests, attend a case conference to help thresh out the child's issues and concerns that also impact the case; and
 - (t) Any other duties or obligation to protect the interest of the child.

Section 13. Use of Transcript of Forensic Interview in lieu of a Sworn Statement.

The transcript and audio or video recording of the interview conducted by an investigator and/or social worker specially trained to handle such interviews, regarding the personal information of the child victim-survivor and the circumstances of the abuse or exploitation, may be used as evidence before the prosecutor's office and the court in lieu of a sworn statement.

CHAPTER 17. THE CHILD IN COURT

Section 1. Hearings in chamber.

All cases involving children shall as far as practicable be heard in the chambers of the judge or if in court, the only persons allowed shall be the child and the support persons, the prosecutor, and the accused with his/her defense lawyer covered by a screen so that the child does not have to look at the perpetrator.

Section 2. No need for presence of child.

Unless the child is required to testify, the presence of the child, any of his/her relatives or parent-substitute shall not be required at any stage of the court proceedings.

Section 3. Preference for CANE+D Cases.

Any provision of existing law to the contrary notwithstanding and with the exception of habeas corpus, election cases, and cases involving detention prisoners and persons covered by RA 4908, all courts shall give preference to the hearing or disposition of cases involving violations of CANE+D cases.

Section 4. Use of the Rule on examination of child witness.

The court shall ensure the application of the Rule on Examination of Child Witness whenever a child testifies. Courts are encouraged to participate in a kid's court program to prepare the child witness prior to their testimony.

Section 5. Prohibition of dismissal on desistance/recantation/withdrawal.

Dismissal of a CANE+D case solely on the basis of an affidavit of desistance or recantation submitted by the child and/or the child's family is prohibited.

Section 6. Confidentiality.

All records pertaining to the child shall be treated as confidential and shall be securely sealed. The courts shall use the child's code or alias as well as the code and alias for significant persons, including their teachers and friends, for their schools, organizations, or barangays.

Section 7. Child-sensitive court proceedings.

To ensure that court proceedings are child-sensitive, the following shall be followed:

- (a) In all cases, Courts shall endeavor to take the testimony of the child through online proceedings through the use of TeleCPUs or similar facilities;
- (b) If taking the testimony of the child through online proceedings is not possible, Courts shall set the schedule of the child's testimony at the time most appropriate and sensitive to the child's age and circumstances. The child shall testify only when well rested. Long delays and waiting times shall be avoided. The following shall also be observed:

- i. The child shall not be exposed to the public. The Court shall prepare a waiting room for child victims separate from the waiting room used by children in conflict with the law, other witnesses, and litigants;
 - ii. The child may testify in open court only after the public has been excluded. Alternatively, a hearing in the chamber can be conducted to prevent exposing the child to the public;
 - iii. Before the child testifies, the Court must, in simple language, introduce the main characters (judge, prosecutor, defense counsel) and their roles in the trial; explain the basic rules in a Court proceeding, and give the child an opportunity to ask questions;
 - iv. Without violating the alleged perpetrator's right to confront the witness face to face, the Court shall use screens, one-way mirrors, video conferencing, other devices, or live-link monitors to receive the testimony of the child and to prevent direct confrontation with the alleged perpetrator;
 - v. The use of testimonial aids (e.g., dolls, anatomically correct dolls, puppets, anatomical drawings, and another appropriate demonstrative device) shall be permitted to facilitate the child's testimony;
 - vi. The Court shall ensure that the examination of the child is conducted with the use of simple, developmentally appropriate, non-threatening, and non-victim blaming words. The language used to question the child in court should be the first language that the child understands;
 - vii. The transcript and the copy of the audio or video interview conducted by the investigator and/or social worker who are specially trained to conduct such interview, concerning the personal information of the child victim-survivor and manner by which the rescued child victim-survivor was abused or exploited can be utilized as evidence before the office of the prosecutor and before the court, in lieu of a sworn statement. The interviewer and/or the person who recorded the interview shall execute an affidavit stating as to the manner he/she conducted the interview and how the interview was recorded; and
 - viii. Proper court decorum must be maintained. Badgering and other oppressive behavior towards the child is prohibited;
- (c) Whenever necessary and to facilitate the child's testimony, the Court shall appoint any of the following:
- i. Support person – preferably, a person chosen by the child who can accompany the child during Court testimony to lend the child moral support;
 - ii. Facilitator – a person who can pose questions to the child if unable to understand or respond to questions asked. A facilitator may be a child psychologist, psychiatrist, social worker, guidance counselor, teacher, religious or tribal leader, parent, or relative;
 - iii. Interpreter – a person whom the child understands and who understands a child who does not understand English or Filipino language or is unable to communicate due to developmental level, fear, shyness, disability,

condition, or other similar reasons. The interpreter shall take an oath or affirmation to make a true and accurate interpretation; and

- iv. Guardian ad Litem (GAL) – a person who shall explain legal proceedings to the child; advise the Court regarding the child’s ability to understand the proceedings and questions propounded; advise the Public Prosecutor concerning the ability of the child to cooperate as a witness for the prosecution; attend the trial; and monitor and coordinate child’s concerns and needs with the Court;
- (d) In controversial child abuse cases, a gag order shall be issued to protect the identity of the child and the confidentiality of the proceedings;
- (e) On its own or upon motion by any party, the Court may issue protection orders to protect the privacy and safety of the child and/or to order other appropriate interventions (e.g., immediate medical attention, referral to a mental health professional, placement in a temporary shelter, and such like); and
- (f) After the child has testified, the Court must order the case manager, the court social worker, and the Multidisciplinary team to continue monitoring the child’s safety and requirements for other interventions.

Section 8. Court Social Worker.

Once the case is filed with the family court, the court social worker immediately joins the Multidisciplinary team. The case manager shall update and share all the information and data relevant to the case with the court social worker. The court social worker shall:

(a) Conduct his/her own social case study report for purposes of reporting to the court the circumstances of the child in relation to the case filed. The social case study report shall include:

- (i) Assessment of the physical, psychological, and emotional impact of the abuse on the child. This may include signs of trauma, changes in behavior or academic performance, and any statements made by the child about the abuse;
- (ii) Assessment of Risk and the child’s safety based as a consequence of the filing of the case;
- (iii) Assessment of the child’s needs as a consequence of pursuing the case;
- (iv) Provide a description of any interventions that have been undertaken, such as medical treatment, counseling, or protective measures;
- (v) Information about any sign of pressure from the family or the community to withdraw or desist from the case; and
- (vi) Based on the assessment, the social worker should provide recommendations to the courts for the issuance of protection or provisional orders, for orders requiring further interventions, such as, therapy, support services, or changes to the child’s living situation.

- (b) Enroll the child in a “Kids Court Program,”⁶⁷ if one is available in the area. In the absence of such a program, bring the child to court before his/her appearance to ensure the child is familiar with the physical set-up, the characters (i.e., judge, prosecutor, defense counsel, court interpreter, and other court staff), and the procedure. They shall enroll the child’s parents or guardian in a similar program so they, too, will understand the court process and appreciate how they can help the child prepare for the court testimony;
- (c) Help the child and family understand the court process and procedures. Several days before the scheduled hearing, the court social worker shall arrange a meeting between the child and the Public Prosecutor for rapport building and orientation for court testimony. The court social worker shall show and explain to the child the parts of the courtroom and explain to the child the main characters (judge, prosecutor, defense counsel) and their roles in the trial;
- (d) Act as GAL or support person who will accompany the child to court;
- (e) If the child is not a resident of the area where the court sits, the court social worker shall arrange temporary accommodation for the child before the child testifies; and
- (f) Any other duties or obligation to protect the interest of the child.

"Kabataan ang magandang pag-asa ng bayan." - Jose P. Rizal

⁶⁷ Kid’s Court is a child-sensitive, preparatory program in the Philippines designed to support child witnesses, particularly victims of abuse, as they participate in judicial proceedings. Implemented by organizations such as the Child Protection Network and the Center for the Prevention and Treatment of Child Sexual Abuse, Kid’s Court familiarizes children with courtroom processes through mock trials, guided tours, and interactive discussions. It aims to reduce the trauma and anxiety of testifying in court by educating children about their rights and helping them develop coping strategies. While not a formal legal institution, Kid’s Court operates in alignment with child-friendly procedures mandated by Republic Act No. 8369, the *Family Courts Act of 1997*, which underscores the importance of protecting the welfare of children within the justice system.

ANNEX A: BARANGAY INTERVIEW GUIDE**Annex A: Sample Interview Sheet**

Sample Interview Sheet					
Case Number _____					
Date Filed _____					
VICTIM'S PROFILE					
Name of victim : _____					
Family Name	First Name	Middle Name			
Nickname / Alias : _____					
Address : _____					
No. and Street	Barangay	Municipality	City	Province	
Telephone / cellphone no. _____					
Date of Birth : _____					
Age (at the time of the incident) : _____					
Place of birth : _____					
Gender : <input type="checkbox"/> Female <input type="checkbox"/> Male					
Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Live-in					
Nationality : <input type="checkbox"/> Filipino <input type="checkbox"/> Foreigner, please specify: _____					
<input type="checkbox"/> No nationality					
Religion : <input type="checkbox"/> Catholic <input type="checkbox"/> Islam <input type="checkbox"/> Protestant <input type="checkbox"/> Baptist <input type="checkbox"/> INC					
<input type="checkbox"/> Others, please specify: _____					
Sector : _____					
Current status of schooling : <input type="checkbox"/> In school <input type="checkbox"/> Out of school <input type="checkbox"/> Not of school age					
Highest educational attainment					
<input type="checkbox"/> College undergraduate		<input type="checkbox"/> Elementary graduate		<input type="checkbox"/> No formal Education	
<input type="checkbox"/> Technical/Vocational education		<input type="checkbox"/> Elementary undergraduate			
<input type="checkbox"/> High school graduate		<input type="checkbox"/> Pre-school			
<input type="checkbox"/> High school undergraduate		<input type="checkbox"/> Alternative (SPED, Home Schooling, Day Care)			

Annex A: Sample Interview Sheet

Name of father : _____	
Name of mother : _____	
Does the victim have birth certificate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is the victim a member of indigenous cultural community? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please specify ethnic group: _____	
Is the victim a person with disability? <input type="checkbox"/> Yes, physically <input type="checkbox"/> Yes, mentally <input type="checkbox"/> No	
Is the victim an internally displaced person?	
<input type="checkbox"/> Yes, due to natural calamity	
<input type="checkbox"/> Yes, due to armed conflict development	
<input type="checkbox"/> Yes, due to climate change aggression	
<input type="checkbox"/> Yes, due to man-made	
<input type="checkbox"/> Yes, due to reason	
Please specify place of temporary shelter / evacuation center _____	
<input type="checkbox"/> No	
Victim is under the custody of:	
<input type="checkbox"/> Parent/s	<input type="checkbox"/> Faith-based organization
<input type="checkbox"/> Relative/s	<input type="checkbox"/> Reputable person in the community
<input type="checkbox"/> Legal guardian/s	<input type="checkbox"/> Private child-caring institution
<input type="checkbox"/> DSWD / Social Worker	<input type="checkbox"/> Public child-caring institution
<input type="checkbox"/> NGO	<input type="checkbox"/> Private individual
<input type="checkbox"/> Barangay	<input type="checkbox"/> Others, please specify: _____
Name: _____	
Address: _____	
Telephone number: _____	
Victim living alone without adult supervision? <input type="checkbox"/> Yes <input type="checkbox"/> No	

ANNEX B: PRINCIPLES IN MANAGING CASES OF CHILDREN

The following principles are fundamental to our work and should guide all actions and decisions when handling and managing cases of child abuse, neglect, exploitation and discrimination:

- (a) *Dignity of the Child.* Every child, irrespective of their circumstances, has inherent dignity and worth. All actions and decisions should respect and uphold the child's dignity.
- (b) *Best Interest of the Child.*⁶⁸ The child's best interest must always be the primary consideration. This includes their safety, well-being, and development, as well as their views and wishes in accordance with their age and maturity.
- (c) *First of All, Do No Harm.* Prioritize the child's safety and well-being by ensuring that no action or decision causes further harm or trauma to the child
- (d) *Resiliency and Quality of Life.* Focus on building the child's resilience and improving their quality of life. This includes providing support and resources to help the child overcome their experiences and build a positive future.⁶⁹
- (e) *Confidentiality.* Information about the child and their circumstances should be kept confidential and only shared on a need-to-know basis, in line with legal requirements and the child's best interest.
- (f) *Non-Discrimination.* All children have equal rights and should be treated without discrimination of any kind, regardless of the child's or their parent's, legal guardian's or parent-substitute's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- (g) *Evolving Capacities of the Child Recognize and respect the child's evolving capacities.* Support and encourage their growing autonomy and decision-making skills, while providing appropriate protection and guidance.
- (h) *Right to be Heard.* Every child has the right to express their views in all matters affecting them, and their views should be given due weight in accordance with their age and maturity. They should be provided with accessible and age-appropriate information to make informed decisions.
- (i) *Informed Consent/Assent.* Ensure that children and their guardians are fully informed about the processes and potential consequences of any actions taken. Obtain their consent before proceeding with interventions, when possible.
- (j) *Adhere to Ethical Standards.* Ensure that all actions and decisions adhere to established ethical standards, promoting integrity, transparency, and accountability in all interactions and processes.

⁶⁸ Republic Act No. 9344, *Juvenile Justice and Welfare Act of 2006*, s4(b) (2006). Retrieved from https://lawphil.net/statutes/repacts/ra2006/ra_9344_2006.html

⁶⁹ Global Social Service Workforce Alliance Case Management Interest Group. (2018). *Core concepts and principles of effective case management: Approaches for the social service workforce* (1st ed.). Global Social Service Workforce Alliance.

- (k) *Accountability and Transparency.* Maintain transparency in all actions and decisions, and hold individuals and organizations accountable for their roles in protecting children. This includes being open to scrutiny and evaluation of child protection practices.
- (l) *Collaboration and Partnership.* Work collaboratively with all relevant stakeholders, including other service providers, community members, and the children themselves, to ensure a comprehensive and effective response.⁷⁰

Non-exclusivity of the principles.

These principles are not exhaustive and should be complemented by other relevant principles and ethical guidelines. They should be applied consistently and coherently, with a clear understanding that all principles are interrelated and must be considered as a whole.

⁷⁰ *ibid.*

ANNEX C: APPROACHES TO CASE MANAGEMENT

There are several approaches to child protection that can be applied in different contexts, depending on the specific needs and circumstances:

- (a) *Holistic Care Approach.* This approach considers all aspects of a child's well-being, including their physical, mental, emotional, and social health. It aims to address all of these areas in a comprehensive manner.
- (b) *Child-Centered Approach.* This approach places the child at the center of all interventions. It emphasizes the rights of the child, their safety, well-being, and active participation in decisions that affect them.
- (c) *Family-Focused Approach.* Recognizing that the family plays a crucial role in a child's life, this approach focuses on strengthening the capacities of families to protect and care for their children. It involves providing support, resources, and services to families to prevent abuse and neglect.
- (d) *Community-Based Approach.* This approach involves the entire community in protecting children. It recognizes that child protection is not just the responsibility of social service agencies, but of everyone in the community. It may involve raising awareness, building capacities, and mobilizing community resources to protect children.
- (e) *Multidisciplinary Approach.* This approach involves collaboration among professionals from different disciplines, such as social workers, psychologists, law enforcement officers, and medical professionals. Each brings their unique expertise to the table to ensure a comprehensive response to child protection issues.
- (f) *Strengths-Based Approach.* This approach focuses on the inherent strengths of individuals, families, and communities and how these can be leveraged to protect and care for children. It promotes resilience and empowerment, rather than focusing solely on risks and vulnerabilities.
- (g) *Rights-Based Approach.* This approach is grounded in the principles of child rights, as outlined in the UN Convention on the Rights of the Child. It emphasizes the rights of children to be protected from harm, to have their basic needs met, and to participate in decisions that affect them.
- (h) *Life-Cycle Approach.* This approach takes into account the different needs and challenges that children face at different stages of their lives. It emphasizes the importance of providing appropriate support and interventions at each stage of a child's development.
- (i) *Ecological Approach.* This approach recognizes that child abuse, neglect, exploitation and discrimination occur within a broader socio-cultural context. It considers the complex interplay of factors at the individual, family, community, and societal levels that contribute to child protection issues.
- (j) *Trauma-Informed Care Approach.* This approach is based on the understanding of the prevalence and impact of trauma and the role that trauma can play in people's lives. It emphasizes physical, psychological, and emotional

safety for both consumers and providers, and helps survivors rebuild a sense of control and empowerment.

- (k) *Gender-Sensitive Approach.* This approach recognizes the different experiences and needs of boys and girls and aims to ensure that these differences are taken into account in all child protection efforts.

Combination of approaches.

Each of these approaches has its strengths and can be effective in different situations. Often, a combination of approaches is used to provide a comprehensive and effective response to child protection issues.

ANNEX D: PRE-REQUISITES IN MANAGING CANE+D CASES

Training and certification.

All members of the MDT and all personnel involved in managing cases of CANE+D, including law enforcement officers, social workers, medical professionals, and legal representatives, must undergo specialized training. This training should cover the identification, reporting, and handling of CANE+D cases, emphasizing the principles and approaches to case management. Personnel must be certified upon the completion of this training to ensure they are equipped with the necessary skills and knowledge.

Local referral system.

Guided by this Protocol, each LGU through their respective LCPCs shall proactively develop and implement a local referral system. This system must be established well in advance of any reported cases to ensure preparedness and prevent confusion or panic when a case arises. By having a referral system in place, the LGU will be able to respond swiftly and effectively to CANE+D cases.

Creation of a resource directory.

Each LCPC shall maintain and regularly update a comprehensive directory of resources, including emergency shelters, medical facilities, psychological services, legal aid, and other support services. This directory should be easily accessible to all personnel involved in managing CANE+D cases.

Confidentiality agreements

All personnel involved in CANE+D cases must sign confidentiality and non-disclosure agreements to ensure the privacy and protection of child victims and their families. This agreement should outline the legal and ethical responsibilities regarding the handling of sensitive information.

Continuous Professional Development.

Each LGU through their respective LCPCs should organize regular workshops, seminars, and refresher courses to ensure that all personnel remain updated on the latest practices, policies, and legal requirements related to CANE+D cases.

Monitoring and Evaluation Mechanisms.

The CSPC shall be responsible for the overall monitoring and evaluation of this Protocol. This includes assessing the effectiveness, efficiency, and impact of the Protocol in handling and managing cases of child abuse, neglect, exploitation, and discrimination.

The LGU through their respective LCPCs, shall establish robust monitoring and evaluation mechanisms to assess the effectiveness of case management procedures and interventions. Feedback from all stakeholders, including child victims and their families, shall be incorporated to continuously improve the management of cases.

LSWDO to submit quarterly reports on CANE+D statistical data to the DSWD Field Offices, which will then relay this information to the Central Office.

Sample Template of CANE+D Reports⁷¹

*Attach sample template for the printing

Comprehensive Emergency Program for Children.⁷²

Each LGU, through their Local Disaster Risk Reduction and Management Councils (LDRRMC), shall integrate their Comprehensive Emergency Program for Children in their comprehensive development plans, contingency plans, and Local Disaster Risk Reduction and Management Plans (LDRRMP) and Funds (LDRRMF). These plans should include protocols for immediate response, temporary shelter, medical treatment, and psychological first aid, how they should be implemented and who are responsible for implementing them.

Public Awareness Campaigns.

Each LGU through their respective LCPCs should conduct public awareness campaigns to educate the community about CANE+D, the importance of reporting suspected cases, and the resources available for support. This will help in early identification and intervention.

Integration into Development Plans and Budget Allocation.

The LGU shall integrate the implementation of this Protocol into their Local Development Plan for Children and their Local Investment Program for Children. This will ensure the effective implementation and sustainability of these measures. Budget should specifically be allocated for training personnel, establishing and maintaining the referral system, creating awareness campaigns, implementing the intervention programs and ensuring the availability of necessary resources and facilities for handling CANE+D cases.

⁷¹ For the excel file of the template, kindly coordinate with the DSWD Protective Services Bureau

⁷² RA 10821, 'Children's Emergency Relief and Protection Act'.

**ANNEX E: CWC'S GUIDE FOR MEDIA PRACTITIONERS IN THE REPORTING
AND COVERAGE OF CASES INVOLVING CHILDREN**

*insert QR Code c/o CWC