



**Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila**

OCA CIRCULAR NO. 81-2024

TO : ALL CONCERNED TRIAL COURT JUDGES

SUBJECT : DOJ ADVISORY OPINION NO. 001 (SERIES OF 2023) DATED 30 JUNE 2023 ON NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN (NCMEC) AND ITS CYBERTIPLINE REPORTS (CTRs)

For the *information and guidance* of all concerned, appended is the Department of Justice-Office of Cybercrime (DOJ-OOC) Advisory Opinion No. 001 (Series of 2023) dated 30 June 2023 on the National Center for Missing and Exploited Children (NCMEC) and its Cyber Tipline Reports (CTRs), essentially explaining the concept, nature, and treatment of CTRs received by the DOJ-OOC from the NCMEC.

Per the request of Atty. Angela Marie M. De Gracia-Cruz, DOJ State Counsel, to endorse to the judges the concept and purpose of NCMEC CTRs for their familiarity, the following salient points of the Advisory Opinion are summarized for easy reference:

A. Process of Handling CTRs

To understand the nature of CTRs, the following illustrates the process how CTR is referred to the appropriate agency by the DOJ-OOC:

1. NCMEC receives reports from the public or electronic service providers (ESPs).
2. NCMEC applies human/or computer analysis to identify indicators of risk and add value to the reports. For those with a Philippine nexus, NCMEC makes the reports available to the DOJ-OOC.
3. DOJ-OOC receives the CTRs designated for the Philippines and reviews and evaluates them to identify the appropriate action, including deciding the proper office or agency to refer reports for further investigation, intervention, and/or enforcement, as may be appropriate.
4. Philippine government agencies-primarily operational; law enforcement units-receive the CTRs from DOJ-OOC and take the necessary action thereon.¹

¹ When a CTR is received by the operational law enforcement units, it is treated as an investigative lead, tip, or report to initiate further investigation.

B. Contents of the CTR

The CTR is divided into four different sections: the reported information, automated information added by NCMEC systems, additional information provided by NCMEC and contact information of the Law Enforcement Agency (LEA).

It contains identifying information on:

1. The person or ESP who reported the incident
2. The reported persons
3. The child victims
4. Details for the date and time of the incident
5. Web and IP addresses
6. Internet service providers that owns or controls the IP address
7. Approximate geolocation data
8. Hash values
9. File names and other helpful contextual facts

C. Treatment of CTRs

CTR's are treated as investigative leads or reports to initiate investigations. Prosecutors and LEA may use information received as the basis for investigation and as leads or tips to conduct separate case build up.

Eight Categories of Reporting in the Cyber Tipline:

1. Child Pornography
2. Online Excitement of Children for Sexual Acts
3. Child Sex Trafficking
4. Child Sexual Molestation
5. Child Sex Tourism
6. Misleading Domain Name
7. Misleading Words or Digital Images on the Internet
8. Unsolicited Obscene Material Sent to a Child²

D. Duty of Internet Intermediaries to Report Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM)³ Cases

Republic Act No. 11930⁴ and Republic Act No. 11862⁵ require internet intermediaries to:

1. Adopt in their terms of service or service agreements with a third-party users or creators of contents, products, and services the prohibition of any form or any conduct of streaming or livestreaming or OSAEC and CSAEM in the use of their website, platform, server or facility; and

² NCMEC definitions are based on United States law but NCMEC does not view its designations of offenses to be definitive and does not consider itself as the determiner of what is legal or illegal. It relies on LEA to do their own independent investigation, evaluation, and assessment of a file and/or reports.

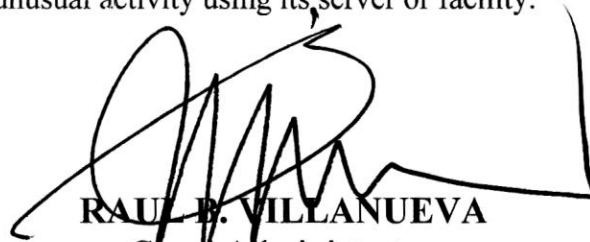
³ Republic Act No. 11930 or Anti-Online Sexual Abuse of Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act.

⁴ Anti-Online Sexual Abuse of Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act

⁵ Expanded Trafficking in Persons Act of 2022

2. Report to the DOJ the internet address or websites blocked removed, or taken down, or any form of unusual activity using its server or facility.

21 March 2024



RAUL E. VILLANUEVA
Court Administrator

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