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SENATE

Senate Bill No. 3209

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(In Substitution of House Bill No. 5572)

Prepared by the Committee on Women, Children, Family Relations and Gender
Equality with Senator Cayetano (P.) as author thereof

AN ACT

PROVIDING STRONGER MEASURES AGAINST UNLAWFUL PRACTICES,
BUSINESSES, AND SCHEMES OF MATCHING AND OFFERING FILIPINOS TO
FOREIGN NATIONALS FOR PURPOSES OF MARRIAGE OR COMMON LAW
PARTNERSHIP, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 6955,
ALSO REFERRED TO AS THE "ANTI-MAIL ORDER BRIDE LAW"

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. *Short Title.* – This Act shall be known as the "Anti-Mail Order
2 Spouse Act".

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 protect and guarantee the individual rights of the Filipino people. Towards this end, the
5 State shall prevent the exploitation of Filipinos, and protect them from unlawful
6 practices, businesses, and schemes which offer Filipinos for marriage to unscrupulous
7 foreign nationals and expose them to abuse, exploitation, prostitution, and violent
8 situations.

9 SEC. 3. *Prohibited Acts.* – It shall be unlawful for any person, whether natural
10 or juridical, to commit, directly or indirectly, any of the following acts:

11 a.) Engage in any business or scheme for money, profit, material, economic or
12 other consideration which has for its purpose the matching or offering of a
13 Filipino to a foreign national for marriage or common law partnership on a mail-
14 order basis or through personal introduction, email, or websites on the internet;

15 b.) Exhibit, advertise, publish, print, or distribute, or cause the exhibition,
16 advertisement, publication, printing, or distribution of brochures, flyers, or
17 propaganda materials which are calculated to promote the prohibited acts in the
18 preceding paragraph, or to post, advertise, or upload such materials through
19 websites on the internet;

20 c.) Solicit, enlist, or in any manner, attract or induce any Filipino to become a
21 member in any club or association whose objective is to match Filipino nationals
22 to foreign nationals for the purpose of marriage or common law partnership for a
23 fee; and

24 d.) To use the postal service or any website on the internet to promote the prohibited
25 acts under this Section.

1 The above notwithstanding, legitimate dating websites, which have for their
2 purpose connecting individuals with shared interests in order to cultivate personal and
3 dating relationships, are not covered by this Act.

4 **SEC. 4. Penalties.** – Any person found guilty by the court to have committed any
5 of the prohibited acts provided under Section 3 of this Act shall suffer the penalty of
6 imprisonment for fifteen (15) years and a fine of not less than five hundred thousand
7 pesos (P500,000.00) but not more than one million pesos (P1,000,000.00).

8 Any person who shall abet or cooperate in the execution of the prohibited acts
9 mentioned in Section 3 of this Act, by previous or simultaneous acts, shall suffer the
10 same penalty provided in the preceding paragraph.

11 If the prohibited act is committed by a syndicate or committed on a large scale,
12 the offender shall suffer the penalty of twenty (20) years imprisonment and a fine of not
13 less than two million pesos (P2,000,000.00) but not more than five million pesos
14 (P5,000,000.00).

15 The prohibited act is deemed committed by a syndicate if carried out by a group
16 of three (3) or more persons conspiring or confederating with one another.

17 The prohibited act is deemed committed on a large scale if committed against
18 three (3) or more persons, individually or as a group.

19 Any person who has knowledge of the commission of the unlawful acts and
20 profits from it, assists the offender to profit from it, without having participated therein,
21 either as a principal or as an accomplice, shall be punished as an accessory to the
22 offense committed and shall suffer the penalty of ten (10) years imprisonment and a fine
23 of not less than one hundred thousand pesos (P100,000.00) but not more than five
24 hundred thousand pesos (P500,000.00).

25 If the offender is a foreigner, the offender shall be immediately deported after
26 serving the sentence and payment of fine and shall be barred permanently from
27 entering the country.

28 If the offender is a corporation, partnership, association, club, establishment, or
29 any juridical person, the penalty shall be imposed upon the owner, president, partner,
30 manager, or any responsible officer who participated in the commission of the prohibited
31 acts or who shall have knowingly permitted or failed to prevent its commission.

32 The court may also suspend or revoke the license or permit to operate in the
33 Philippines of the advertising agency, newspaper, and magazine publisher, television or
34 radio station, internet websites, or other entities who commit any of the prohibited acts.

35 **SEC. 5. Confiscation and Forfeiture.** – The court shall order the confiscation
36 and forfeiture of all the proceeds and properties derived from the commission of the
37 prohibited act in favor of the government. All awards for damages shall be taken from
38 the personal and separate properties of the offender and if such properties are
39 insufficient, the balance shall be taken from the confiscated and forfeited properties.

40 When the proceeds, properties, and instruments of the offense have been
41 destroyed, diminished in value, or otherwise rendered worthless by any act or omission,
42 directly or indirectly, by the offender or they have been concealed, removed, converted,
43 or transferred to prevent or avoid forfeiture or confiscation, the offender shall be ordered
44 to pay the amount equal to the value of the proceeds, property, or instruments of the
45 offense.

1 **SEC. 6. Mandatory Programs.** – The government shall establish and implement
2 preventive, protective, and rehabilitative programs for victims of the unlawful acts and
3 practices enumerated in Section 3 of this Act. For this purpose, the following agencies
4 are hereby mandated to implement their respective programs:

5 **a.) Department of Foreign Affairs (DFA)** – The DFA shall make available its
6 resources and facilities overseas for victims of mail-order marriage and other
7 similar schemes regardless of their manner of entry to the receiving country. It
8 shall provide Filipino victims overseas with free legal assistance and counsel to
9 pursue legal action against offenders, and represent their interests in any
10 criminal investigation or prosecution. The DFA, in coordination with the
11 Department of Labor and Employment (DOLE), shall likewise provide free
12 temporary shelters and other services to Filipino victims of this Act.

13 **b.) Department of Social Welfare and Development (DSWD)** – The DSWD shall
14 implement preventive, protective, and rehabilitative programs for victims. The
15 DSWD, in coordination with the LGUs, shall likewise provide case management
16 service and develop a system for accreditation among non-government
17 organizations (NGOs) for purposes of establishing centers and programs for
18 intervention in various levels of the community. The DSWD shall also provide
19 the following basic services to victims:

20 (1) Temporary shelter or housing and food;

21 (2) Psychological support and counseling;

22 (3) Twenty-four (24)-hour call center for crisis calls and technology-based
23 counseling and referral system;

24 (4) Assistance in coordinating with local law enforcement entities; and

25 (5) Assistance in coordinating with the Department of Justice, among others.

26 **c.) Department of Justice (DOJ)** – The DOJ shall ensure the prosecution of the
27 persons accused of violating this Act. It shall also establish a mechanism for free
28 legal assistance for victims in coordination with the DSWD, the Integrated Bar of
29 the Philippines, and other NGOs and volunteer groups.

30 **d.) Philippine Commission on Women (PCW)** – The PCW shall, in coordination
31 with relevant government agencies, actively participate in the formulating and
32 monitoring of policies addressing the issue of mail-order marriages and other
33 similar practices. It shall likewise advocate for the inclusion of the issue of mail-
34 order marriages and other similar schemes in both local and international
35 advocacy for women issues.

36 **e.) Commission of Filipino Overseas (CFO)** – The CFO shall conduct pre-
37 departure counseling services for Filipinos who have contracted marriages with
38 partners from other countries with different cultures, faiths, and religious beliefs.
39 It shall develop a system for accreditation of NGOs that may be mobilized for
40 purposes of conducting pre-departure counseling services for Filipinos in
41 intermarriages. The CFO shall ensure that the counselors contemplated under
42 this Act shall have the minimum qualifications and training required by law.

43 Further, the CFO shall collect and analyze pertinent data, statistics, and conduct
44 case studies and research on mail-order spouses. It shall come up with essential
45 analysis and papers to guide concerned agencies in formulating policies. It shall

1 likewise assist in the conduct of information campaigns against unlawful acts
2 under this Act and other similar schemes in coordination with LGUs, the
3 Philippine Information Agency, and NGOs.

4 **SEC. 7. Venue.** – A criminal action arising from the violation of this Act shall be
5 filed in the place where the offense was committed, where any of its elements occurred,
6 or where the victim actually resides. The court where the criminal action is first filed
7 shall acquire jurisdiction to the exclusion of other courts.

8 **SEC. 8. Implementing Rules and Regulations.** – Within ninety (90) days from
9 the approval of this Act, the DOJ shall, in coordination with DFA, DSWD, CFO, the
10 PCW, and NGOs which are engaged in assisting victims of mail-order marriages and
11 other schemes, promulgate the necessary rules and regulations for effective
12 implementation of this Act.

13 **SEC. 9. Separability Clause.** – If any provision of this Act is declared
14 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
15 remain in full force and effect.

16 **SEC. 10. Repealing Clause.** – Republic Act No. 6955, also referred to as the
17 “Anti-Mail Order Bride Law,” is hereby repealed. All other laws, decrees, executive
18 orders, rules and regulations, or parts thereof inconsistent with the provisions of this
19 Act are hereby repealed or modified accordingly.

20 **SEC. 11. Effectivity.** – This Act shall take effect fifteen (15) days after its
21 publication in the Official Gazette or in a newspaper of general circulation.

Approved,