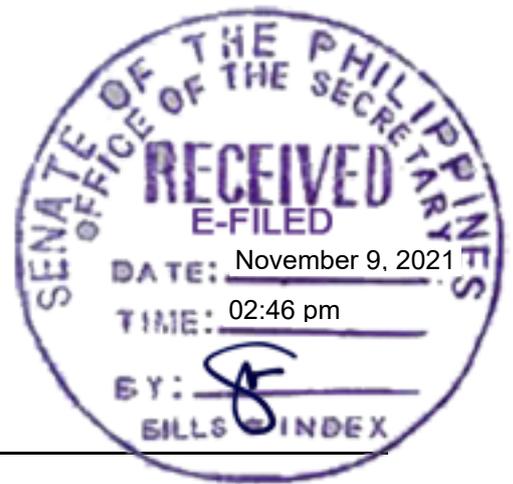


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SENATE

S.B. No. 2449



Submitted by the Committees on Women, Children, Family Relations and Gender Equality, Science and Technology and Labor, Employment and Human Resources Development with Senators Cayetano, P., Villar, Gatchalian, Hontiveros, De Lima and Marcos as authors.

AN ACT

STRENGTHENING PROTECTIONS AGAINST TRAFFICKING IN PERSONS, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9208, AS AMENDED BY REPUBLIC ACT NO. 10364, ENTITLED "AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND/OR CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS", AND OTHER SPECIAL LAWS, PROVIDING PENALTIES FOR ITS VIOLATIONS AND FOR OTHER PURPOSES"

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 "Expanded Anti-
2 Trafficking Act of 2021".

3 **Sec. 2.** Section 1 of Republic Act No. 9208 is hereby deleted.

4 **Sec. 3.** Section 2 of Republic Act No. 9208 is hereby amended to read as
5 follows:

6 "SECTION 2. Declaration of Policy. – It is hereby declared that the State values
7 the dignity of every human person and guarantees the respect of individual
8 rights. In pursuit of this policy, the State shall give highest priority to the
9 enactment of measures and development of programs that will promote human
10 dignity, protect the people from any threat of violence and exploitation,
11 eliminate trafficking in persons, and mitigate pressures for involuntary
12 migration and servitude of persons, not only to support trafficked persons but

1 more importantly, to ensure their recovery, rehabilitation, and reintegration into
2 the mainstream of society **IN A MANNER THAT IS GENDER-, AGE-, AND**
3 **CULTURALLY- RESPONSIVE, AND DISABILITY-INCLUSIVE.**

4 "It shall be a State policy to recognize the equal rights and inherent human
5 dignity of women and men as enshrined in the United Nations Universal
6 Declaration on Human Rights, United Nations Convention on the Elimination of
7 All Forms of Discrimination Against Women, United Nations Convention on the
8 Rights of the Child **AND ITS OPTIONAL PROTOCOLS**, the United Nations
9 Convention on the Protection of Migrant Workers and their Families, United
10 Nations Convention Against Transnational Organized Crime Including its
11 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially
12 Women and Children; **ILO CONVENTION NO. 182, CONCERNING THE**
13 **PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF**
14 **THE WORST FORMS OF CHILD LABOR; THE UN GLOBAL COMPACT ON**
15 **SAFE AND ORDERLY MIGRATION; AND THE CONVENTION FOR THE**
16 **SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE**
17 **EXPLOITATION OF THE PROSTITUTION OF OTHERS;** and all other
18 relevant and universally accepted human rights instruments and other
19 international conventions to which the Philippines is a signatory. **IN ALL**
20 **ACTIONS CONCERNING CHILDREN, THEIR BEST INTERESTS SHALL**
21 **BE THE PARAMOUNT CONSIDERATION."**

22 **Sec. 4.** Section 3 Republic Act No. 9208 is hereby amended to read as follows:

23 "SEC. 3. Definition of Terms. – As used in this Act:

24 "(a) Trafficking in Persons – refers to the recruitment, obtaining, hiring,
25 providing, offering, transportation, transfer, maintaining, harboring, or
26 receipt of persons with or without the victim's consent or knowledge,
27 within or across national borders by means of threat, or use of force, or
28 other forms of coercion, abduction, fraud, deception, abuse of power or
29 of position, taking advantage of the vulnerability of the person, or, the
30 giving or receiving of payments or benefits to achieve the consent of a
31 person having control over another person, for the purpose of
32 exploitation which includes at a minimum, the exploitation or the

1 prostitution of others, **OR THE ENGAGEMENT OF OTHERS FOR**
2 **CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS**, or other
3 forms of sexual exploitation, forced labor or services, slavery, servitude
4 or the removal or sale of organs.

5 "The recruitment, transportation, transfer, harboring, adoption or receipt
6 of a child for the purpose of exploitation or when the adoption is induced
7 by any form of consideration for exploitative purposes, shall also be
8 considered as 'trafficking in persons' even if it does not involve any of
9 the means set forth in the preceding paragraph.

10 x x x

11 (h) Sexual Exploitation – [~~refers to participation by a person in~~
12 ~~prostitution, pornography or the production of pornography, in exchange~~
13 ~~for money, profit or any other consideration or where the participation~~
14 ~~is caused or facilitated by any means of intimidation or threat, use of~~
15 ~~force, or other forms of coercion, abduction, fraud, deception, debt~~
16 ~~bondage, abuse of power or of position or of legal process, taking~~
17 ~~advantage of the vulnerability of the person, or giving or receiving of~~
18 ~~payments or benefits to achieve the consent of a person having control~~
19 ~~over another person; or in sexual intercourse or lascivious conduct~~
20 ~~caused or facilitated by any means as provided in this Act.】 **MEANS**
21 **ANY ACTUAL OR ATTEMPTED ABUSE OF A POSITION OF**
22 **VULNERABILITY, DIFFERENTIAL POWER, OR TRUST, FOR**
23 **SEXUAL PURPOSES OR LEWD DESIGNS, INCLUDING, BUT NOT**
24 **LIMITED TO, PROFITING MONETARILY, SOCIALLY OR**
25 **POLITICALLY FROM THE SEXUAL EXPLOITATION OF ANOTHER,**
26 **REGARDLESS OF CONSENT.**~~

27 x x x

28 (j) Pornography – refers to any representation through publication,
29 exhibition, cinematography, indecent shows, information technology, or
30 by whatever means, of a person engaged in real or simulated explicit
31 sexual activities or any representation of the sexual parts of a person
32 primarily for sexual purposes: ***PROVIDED, THAT WHEN A CHILD IS***

1 INVOLVED, THE MATERIAL SHALL BE CONSIDERED CHILD
2 SEXUAL ABUSE AND EXPLOITATION MATERIALS AS DEFINED
3 UNDER PARAGRAPH L OF THIS SECTION.

4 X X X

5 (L) CHILD SEXUAL ABUSE AND EXPLOITATION MATERIALS –
6 REFER TO PHOTOS, IMAGES, VIDEOS, RECORDINGS, STREAMS,
7 OR ANY OTHER FORM OF MEDIA, DEPICTING ACTS OF SEXUAL
8 ABUSE AND EXPLOITATION OF A CHILD OR REPRESENTATION
9 OF A CHILD AS A SEXUAL OBJECT, WHETHER GENERATED
10 DIGITALLY OR NOT. THIS INCLUDES MATERIALS THAT FOCUS
11 ON THE ANAL OR GENITAL REGION OF A CHILD;

12 (M) INFORMATION AND COMMUNICATIONS TECHNOLOGY –
13 SHALL MEAN THE TOTALITY OF ELECTRONIC MEANS TO
14 ACCESS, CREATE, COLLECT, STORE, PROCESS, RECEIVE,
15 TRANSMIT, PRESENT AND DISSEMINATE INFORMATION;

16 (N) INTERNET INTERMEDIARIES – REFERS TO A PERSON OR
17 ENTITY THAT PROVIDES INFRASTRUCTURE, PLATFORMS,
18 ACCESS TO, AND HOST, TRANSMIT AND INDEX CONTENT,
19 PRODUCTS AND SERVICES ORIGINATED BY THIRD PARTIES ON
20 THE INTERNET. IT INCLUDES AMONG OTHERS:

21 (1) INTERNET SERVICE PROVIDERS (ISPs);

22 (2) DATA PROCESSING AND WEB HOSTING PROVIDERS
23 INCLUDING DOMAIN NAME REGISTRARS;

24 (3) INTERNET SEARCH ENGINES AND PORTALS;

25 (4) E-COMMERCE INTERMEDIARIES;

26 (5) INTERNET PAYMENT SYSTEM PROVIDERS, WHETHER
27 SUPERVISED BY THE BANGKO SENTRAL NG PILIPINAS (BSP)
28 OR NOT; AND

29 (6) PARTICIPATIVE NETWORK PLATFORM
30 PROVIDERS/SOCIAL MEDIA INTERMEDIARIES;

1 **(O) ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN.**
2 **– REFERS TO THE USE OF DIGITAL OR ANALOG**
3 **COMMUNICATION, AND ICT, AS A MEANS TO ABUSE AND**
4 **EXPLOIT CHILDREN SEXUALLY, WHICH INCLUDES CASES IN**
5 **WHICH CONTACT CHILD ABUSE AND/OR EXPLOITATION**
6 **OFFLINE IS COMBINED WITH AN ONLINE COMPONENT. THIS**
7 **CAN ALSO INCLUDE, BUT IS NOT LIMITED TO, THE**
8 **PRODUCTION, DISSEMINATION AND POSSESSION OF CHILD**
9 **SEXUAL ABUSE AND EXPLOITATION MATERIALS; ONLINE**
10 **GROOMING OF CHILDREN FOR SEXUAL PURPOSES; SEXUAL**
11 **EXTORTION OF CHILDREN; SHARING IMAGE-BASED SEXUAL**
12 **ABUSE; COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN;**
13 **EXPLOITATION OF CHILDREN THROUGH ONLINE**
14 **PROSTITUTION; AND LIVE-STREAMING OF SEXUAL ABUSE,**
15 **WITH OR WITHOUT THE CONSENT OF THE VICTIM.**

16 **Sec. 5.** Section 4 of Republic Act No. 9208 is hereby amended to read as
17 follows:

18 *"SEC. 4. Acts of Trafficking in Persons.* – It shall be unlawful for any
19 person, natural or juridical, to commit **BY MEANS OF THREAT, OR**
20 **USE OF FORCE, OR OTHER FORMS OF COERCION, ABDUCTION,**
21 **FRAUD, DECEPTION, ABUSE OF POWER OR OF POSITION, OR**
22 **THROUGH TAKING ADVANTAGE OF THE VULNERABILITY OF**
23 **THE PERSON, OR THE GIVING OR RECEIVING OF PAYMENTS OR**
24 **BENEFITS TO ACHIEVE THE CONSENT OF A PERSON HAVING**
25 **CONTROL OVER ANOTHER PERSON, OR** any of the following acts:

26 “(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain,
27 harbor, or receive a person by any means, including those done under
28 the pretext of domestic or overseas employment or training or
29 apprenticeship, for the purpose of prostitution, pornography, or sexual

1 exploitation, **FORCED LABOR, SLAVERY, INVOLUNTARY**
2 **SERVITUDE OR DEBT BONDAGE;**

3 XXX

4 "(h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain,
5 provide, offer, receive or abduct a person, [~~by means of threat or use of~~
6 ~~force, fraud, deceit, violence, coercion, or intimidation~~] for the purpose
7 of removal or sale of organs of said person;

8 "(i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire,
9 provide, receive, or adopt a child to engage in armed activities **OR**
10 **PARTICIPATE IN ACTIVITIES IN THE CONTEXT OF AN ARMED**
11 **CONFLICT** in the Philippines or abroad;

12 "(J)[g] To adopt or facilitate the adoption of persons for the purpose of
13 prostitution, pornography, sexual exploitation, forced labor, slavery,
14 involuntary servitude or debt bondage, **OR TO FACILITATE ILLEGAL**
15 **ADOPTIONS AND/OR CHILD-LAUNDERING;**

16 XXX

17 "(l) To organize, **PROVIDE FINANCIAL SUPPORT**, or direct other
18 persons to commit the offenses defined as acts of trafficking under this
19 Act.

20 **Sec. 6.** Section 5 of Republic Act No. 9208 is hereby amended to read as
21 follows:

22 "*SEC. 5. Acts that Promote Trafficking in Persons.* – The following acts
23 which promote or facilitate trafficking in persons, shall be unlawful:

24 "(a) To knowingly lease or sublease, use or allow to be used any house,
25 building or establishment, **OR ANY VEHICLES OR CARRIERS BY**
26 **LAND, SEA AND AIR, AND ANY OF THEIR ONLINE OR DIGITAL**
27 **PLATFORMS AND APPLICATIONS**, for the purpose of promoting
28 trafficking in persons;

29 "(b) **FOR INTERNET INTERMEDIARIES TO KNOWINGLY OR BY**
30 **GROSS NEGLIGENCE ALLOW THEIR INFRASTRUCTURE TO BE**

1 **USED FOR THE PURPOSE OF PROMOTING TRAFFICKING IN**
2 **PERSONS;**

3 **“(c) FOR INTERNET CAFES, KIOSKS, AND HOTSPOTS,**
4 **INCLUDING ESTABLISHMENTS OFFERING WI-FI ACCESS**
5 **SERVICES TO THE PUBLIC, TO KNOWINGLY OR BY GROSS**
6 **NEGLIGENCE ALLOW ITS FACILITIES TO BE USED FOR THE**
7 **PURPOSE OF PROMOTING TRAFFICKING IN PERSONS;**

8 **“(d) FOR FINANCIAL INTERMEDIARIES, INCLUDING, BUT NOT**
9 **LIMITED TO BANKS AND CREDIT CARD COMPANIES AND**
10 **MONEY TRANSFER OR REMITTANCE CENTERS, TO KNOWINGLY**
11 **OR BY GROSS NEGLIGENCE ALLOW ITS SERVICES, INCLUDING**
12 **ITS ONLINE PLATFORM AND APPLICATIONS TO BE USED FOR**
13 **THE PURPOSE OF PROMOTING TRAFFICKING IN PERSONS;**

14 **“(E) [(b)]** To produce, print and issue or distribute unissued, tampered
15 or fake **PASSPORTS, BIRTH CERTIFICATES, AFFIDAVITS OF**
16 **DELAYED REGISTRATION OF BIRTHS, FOUNDLING**
17 **CERTIFICATES, TRAVEL CLEARANCES,** counseling certificates,
18 registration stickers and certificates of any government agency which
19 issues these certificates and stickers as proof of compliance with
20 government regulatory and pre-departure requirements for the purpose
21 of promoting trafficking in persons;

22 **“(F) [(e)]** To advertise, publish, print, broadcast or distribute, or cause
23 the advertisement, publication, printing, broadcasting or distribution by
24 any means, including the use of information technology and the internet,
25 of any brochure, flyer, or any propaganda material that promotes
26 trafficking in persons;

27 **“(G) [(d)]** To assist in the conduct of misrepresentation or fraud for
28 purposes of facilitating the acquisition of clearances and necessary exit
29 documents from government agencies that are mandated to provide pre-

1 departure registration and services for departing persons for the purpose
2 of promoting trafficking in persons;

3 **"(H) [(e)]** To facilitate, assist or help in the exit and entry of persons
4 from/to the country at international and local airports, territorial
5 boundaries and seaports [~~who are in possession of unissued, tampered~~
6 ~~or fraudulent travel documents~~], **KNOWING THEY ARE NOT IN**
7 **POSSESSION OF REQUIRED TRAVEL DOCUMENTS, OR ARE IN**
8 **POSSESSION OF TAMPERED, FAKE, OR FRAUDULENTLY**
9 **ACQUIRED TRAVEL DOCUMENTS,** for the purpose of promoting
10 trafficking in persons;

11 **"(I) TO KNOWINGLY FACILITATE, ASSIST OR HELP IN THE**
12 **ENTRY INTO THE COUNTRY OF PERSONS WHO ARE CONVICTED**
13 **SEX OFFENDERS WHETHER AT INTERNATIONAL AND LOCAL**
14 **AIRPORTS, TERRITORIAL BOUNDARIES AND SEAPORTS FOR**
15 **THE PURPOSE OF PROMOTING TRAFFICKING IN PERSONS;**

16 **(J) [(f)]** To confiscate, conceal, or destroy the passport, travel
17 documents, or personal documents or belongings of trafficked persons
18 in furtherance of trafficking or to prevent them from leaving the country
19 or seeking redress from the government or appropriate agencies;

20 **"(K) [(g)]** To knowingly benefit from, financial or otherwise, or make
21 use of, the labor or services of a person held to a condition of involuntary
22 servitude, forced labor, or slavery;

23 **"(L) [(h)]** To tamper with, destroy, or cause the destruction of evidence,
24 or to influence or attempt to influence witnesses, in an investigation or
25 prosecution of a case under this Act;

1 “(M) ~~[(i)]~~ To destroy, conceal, remove, confiscate or possess, or attempt
2 to destroy, conceal, remove, confiscate or possess, any actual or
3 purported passport or other travel, immigration or working permit or
4 document, or any other actual or purported government identification,
5 of any person in order to prevent or restrict, or attempt to prevent or
6 restrict, without lawful authority, the person’s liberty to move or travel
7 in order to maintain the labor or services of that person; or

8 “(N) ~~[(j)]~~ To utilize his or her office to impede the investigation,
9 prosecution or execution of lawful orders in a case under this Act.”

10 **Sec. 7.** Section 6 of Republic Act No. 9208 is hereby amended to read as
11 follows:

12 “**SECTION 6.** Qualified Trafficking in Persons. – Violations of Section 4
13 of this Act shall be considered as qualified trafficking:

14 “(a) When the trafficked person is a child, **PROVIDED THAT ACTS OF**
15 **ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN**
16 **SHALL BE WITHOUT PREJUDICE TO APPROPRIATE**
17 **INVESTIGATION AND PROSECUTION UNDER OTHER RELATED**
18 **LAWS;**

19 xxx

20 “**(J) WHEN THE CRIME IS COMMITTED DURING A CRISIS, A**
21 **PUBLIC HEALTH CONCERN, A DISASTER, A HUMANITARIAN**
22 **CONFLICT, OR EMERGENCY SITUATION, OR WHEN THE**
23 **TRAFFICKED PERSON IS A SURVIVOR OF THE SAME;**

24 “**(K) WHEN THE TRAFFICKED PERSON BELONGS TO AN**
25 **INDIGENOUS COMMUNITY OR RELIGIOUS MINORITY;**

26 “**(L) WHEN THE TRAFFICKED PERSON IS A PERSON WITH**
27 **DISABILITY;**

1 **“(M) WHEN THE CRIME HAS RESULTED IN PREGNANCY;**

2 **“(N) WHEN THE ACT IS COMMITTED BY OR THROUGH THE USE**
3 **OF INFORMATION AND COMMUNICATIONS TECHNOLOGY OR**
4 **USING ANY COMPUTER SYSTEM; OR**

5 **“(O) WHEN THE TRAFFICKED PERSONS SUFFERED MENTAL**
6 **AND/OR EMOTIONAL DISORDER AS A RESULT OF THE**
7 **TRAFFICKING.”**

8 **Sec. 8.** Section 11 of Republic Act No. 10364 is hereby amended to read as
9 follows:

10 "SECTION 8. [~~Initiation and~~] Prosecution **AND INVESTIGATION** of Cases. –

11 **"(a) *Initiation of Investigation.*** – Law enforcement agencies are
12 mandated to immediately initiate investigation and counter-trafficking-
13 intelligence gathering **MOTU PROPRIO OR WITHIN TEN (10) DAYS**
14 upon receipt of **REPORTS**, statements or affidavits from victims of
15 trafficking, migrant workers, or their families, **AND OTHER PERSONS**
16 **WHO HAVE PERSONAL** knowledge or information about **POSSIBLE**
17 **VIOLATIONS OF THIS ACT, INCLUDING THE PRIVATE SECTOR,**
18 **AND FOR THIS PURPOSE SHALL CLOSELY COORDINATE WITH**
19 **ONE ANOTHER;**

20
21 **IN INVESTIGATING VIOLATIONS OF THIS ACT INVOLVING THE**
22 **USE OF THE INTERNET AND OTHER DIGITAL PLATFORMS, A**
23 **LAW ENFORCEMENT OFFICER MAY, UPON A WRITTEN ORDER**
24 **FROM THE REGIONAL TRIAL COURT, TRACK, INTERCEPT, VIEW,**
25 **MONITOR, SURVEIL, LISTEN TO AND RECORD BY TECHNICAL**
26 **OR ELECTRONIC MEANS, ANY COMMUNICATIONS,**
27 **INFORMATION OR MESSAGES, INCLUDING PROCUREMENT OF**

1 **CONTENT DATA, TRANSMITTED BY MEANS OF A COMPUTER**
2 **SYSTEM INVOLVING AT LEAST ONE PERSON REASONABLY**
3 **BELIEVED TO HAVE COMMITTED VIOLATIONS UNDER THIS**
4 **ACT.**

5 **THE ORDER SHALL ONLY BE ISSUED OR GRANTED UPON**
6 **WRITTEN APPLICATION OF A LAW ENFORCEMENT OFFICER,**
7 **WHO SHALL BE EXAMINED UNDER OATH OR AFFIRMATION,**
8 **AND THE WITNESSES HE/SHE MAY PRODUCE, AND THE**
9 **SHOWING THAT: (1) THERE ARE REASONABLE GROUNDS TO**
10 **BELIEVE THAT ANY OF THE CRIMES ENUMERATED**
11 **HEREINABOVE HAS BEEN COMMITTED, OR IS BEING**
12 **COMMITTED, OR IS ABOUT TO BE COMMITTED; (2) THAT THERE**
13 **ARE REASONABLE GROUNDS TO BELIEVE THAT EVIDENCE THAT**
14 **WILL BE OBTAINED IS ESSENTIAL TO THE CONVICTION OF ANY**
15 **PERSON FOR, OR TO THE SOLUTION OF, OR TO THE**
16 **PREVENTION OF, ANY SUCH CRIMES; AND (3) THAT THERE ARE**
17 **NO OTHER MEANS READILY AVAILABLE FOR OBTAINING SUCH**
18 **EVIDENCE.**

19 **THE ORDER SHALL ONLY BE EFFECTIVE FOR THE LENGTH OF**
20 **TIME AS DETERMINED BY THE COURT, WHICH SHALL NOT**
21 **EXCEED A PERIOD OF THIRTY (30) DAYS FROM ITS ISSUANCE.**
22 **THE COURT ISSUING THE ORDER MAY, UPON MOTION, EXTEND**
23 **ITS EFFECTIVITY BASED ONLY ON JUSTIFIABLE REASONS FOR**
24 **A PERIOD NOT EXCEEDING THIRTY (30) DAYS FROM THE**
25 **EXPIRATION OF THE ORIGINAL PERIOD.**

26 **IN INVESTIGATING VIOLATIONS OF THIS ACT INVOLVING THE**
27 **USE OF THE INTERNET AND OTHER DIGITAL PLATFORMS, LAW**
28 **ENFORCEMENT OFFICERS ACTING IN AN UNDERCOVER**
29 **CAPACITY WHO RECORD THEIR COMMUNICATIONS WITH A**

1 PERSON OR PERSONS REASONABLY BELIEVED TO HAVE
2 COMMITTED, IS COMMITTING, OR IS ABOUT TO COMMIT ANY
3 OF THE VIOLATIONS UNDER THIS ACT SHALL NOT BE
4 CONSIDERED AS WIRETAPPING OR ILLEGAL INTERCEPTION,
5 AND SHALL NOT BE LIABLE UNDER THE PROVISIONS OF
6 REPUBLIC ACT NO. 4200, OR THE CYBERCRIME PREVENTION
7 ACT OF 2012: *PROVIDED*, THAT VICTIMS OF TRAFFICKING IN
8 PERSONS, OF WHATEVER AGE, SHALL NOT BE LIABLE UNDER
9 THE PROVISIONS OF REPUBLIC ACT NO. 4200, OR THE ANTI-
10 WIRETAPPING ACT, IF THEY RECORD THE ACT OF
11 EXPLOITATION, ABUSE OR VIOLENCE AGAINST THEM.

12 **(B) *PROSECUTION.* - OFFENSES PUNISHABLE UNDER THIS ACT**
13 **ARE PUBLIC CRIMES.** Any person who has personal knowledge of the
14 commission of any offense under this Act, such as the trafficked person,
15 the parents, spouse, siblings, children, **LEGAL GUARDIAN, OFFICER**
16 **OR SOCIAL WORKER OR REPRESENTATIVE OF A LICENSED**
17 **CHILD-CARING INSTITUTION, OFFICER OR SOCIAL WORKER**
18 **OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**
19 **(DSWD), PHILIPPINE NATIONAL POLICE (PNP) AND NATIONAL**
20 **BUREAU OF INVESTIGATION (NBI) OFFICERS, BARANGAY**
21 **CHAIRPERSON, AT LEAST THREE (3) CONCERNED CITIZENS**
22 **WHERE THE VIOLATION OCCURRED,** may file a complaint **UNDER**
23 **THIS ACT;**

24 **“(C) *VENUE.* – A CRIMINAL ACTION ARISING FROM A**
25 **VIOLATION OF THIS ACT SHALL BE FILED WHERE THE OFFENSE**
26 **WAS COMMITTED, OR WHERE ANY OF ITS ELEMENTS**
27 **OCCURRED, OR WHERE THE TRAFFICKED PERSON ACTUALLY**
28 **RESIDES AT THE TIME OF THE COMMISSION OF THE OFFENSE:**
29 ***PROVIDED*, THAT THE COURT WHERE THE CRIMINAL ACTION**
30 **IS FIRST FILED SHALL ACQUIRE JURISDICTION TO THE**

1 **EXCLUSION OF OTHER COURTS. CASES INVOLVING OSAEC**
2 **SHALL BE HEARD IN THE CHAMBER OF THE REGIONAL TRIAL**
3 **COURT DULY DESIGNATED AS FAMILY COURTS;**

4 **“(D) ~~(e)~~ Affidavit of Desistance.** – Cases involving trafficking in persons
5 should not be dismissed based on the Affidavit of Desistance executed
6 by the victims or their parents or legal guardians. Public and private
7 prosecutors are directed to oppose and manifest objections to motions
8 for dismissal. **ATTEMPTS TO UNDULY PRESSURE THE**
9 **COMPLAINANT TO EXECUTE AN AFFIDAVIT OF DESISTANCE**
10 **SHALL BE PUNISHABLE UNDER THIS ACT;**

11 **(E) IMMEDIATE PROTECTION OF TRAFFICKING VICTIMS. -**
12 **WHERE WARRANTED, TRAFFICKING VICTIMS SHALL**
13 **IMMEDIATELY BE PLACED UNDER THE PROTECTIVE CUSTODY**
14 **OF THE DSWD, PURSUANT TO R.A. NO. 7610. IN THE REGULAR**
15 **PERFORMANCE OF THIS FUNCTION, THE DSWD SHALL BE FREE**
16 **FROM ANY ADMINISTRATIVE, CIVIL OR CRIMINAL LIABILITY.**
17 **CUSTODY PROCEEDINGS SHALL BE IN ACCORDANCE WITH THE**
18 **PROVISIONS OF PRESIDENTIAL DECREE NO. 603.**

19 **VICTIMS OF TRAFFICKING OF ALL AGES SHALL BE ENTITLED TO**
20 **IMMEDIATE TEMPORARY PROTECTIVE SHELTER FROM THE**
21 **DSWD; PROVIDED, THAT IF THE TRAFFICKED PERSON IS**
22 **OVERSEAS, IT SHALL BE THE RELEVANT EMBASSY OR**
23 **CONSULATE THAT SHALL PROVIDE THE SAME.**

24 **VICTIMS OF TRAFFICKING AND THEIR FAMILY MEMBERS**
25 **SHALL BE ENTITLED TO PROTECTION AS WELL AS**
26 **PREFERENTIAL ENTITLEMENT TO THE RIGHTS AND BENEFITS**
27 **OF WITNESSES UNDER REPUBLIC ACT NO. 6981, OTHERWISE**
28 **KNOWN AS THE “WITNESS PROTECTION, SECURITY AND**

1 **BENEFIT ACT”; *PROVIDED*, THAT THEY POSSESS ALL THE**
2 **QUALIFICATIONS AND NONE OF THE DISQUALIFICATIONS**
3 **UNDER THE SAID LAW.**

4
5 **VICTIMS OF TRAFFICKING SHALL ALSO BE CONSIDERED AS A**
6 **VICTIM OF A VIOLENT CRIME DEFINED UNDER SECTION 3(D)**
7 **OF REPUBLIC ACT NO. 7309, OTHERWISE KNOWN AS “AN ACT**
8 **CREATING A BOARD OF CLAIMS UNDER THE DEPARTMENT OF**
9 **JUSTICE FOR VICTIMS OF UNJUST IMPRISONMENT OR**
10 **DETENTION AND VICTIMS OF VIOLENT CRIMES AND FOR**
11 **OTHER PURPOSES”, SO THAT THE CHILD MAY CLAIM**
12 **COMPENSATION THEREIN.**

13 **(F) *CONFIDENTIALITY*. ALL RECORDS AND PROCEEDINGS**
14 **UNDER THIS LAW FROM THE INITIAL CONTACT UNTIL THE**
15 **FINAL DISPOSITION OF THE CASE SHALL BE CONSIDERED**
16 **PRIVILEGED AND CONFIDENTIAL. THE PUBLIC SHALL BE**
17 **EXCLUDED DURING THE PROCEEDINGS AND THE RECORDS**
18 **SHALL NOT BE DISCLOSED DIRECTLY OR INDIRECTLY TO**
19 **ANYONE BY ANY OF THE PARTIES OR THE PARTICIPANTS IN**
20 **THE PROCEEDINGS FOR ANY PURPOSE WHATSOEVER. WHERE**
21 **THE TESTIMONY OF THE CHILD SHALL BE TAKEN IN**
22 **ACCORDANCE WITH A.M. NO. 004-07-SC OR THE RULES ON THE**
23 **EXAMINATION OF THE CHILD WITNESS.**

24 **IT SHALL BE UNLAWFUL FOR ANY EDITOR, PUBLISHER,**
25 **REPORTER OR COLUMNIST IN CASE OF PRINTED MATERIALS,**
26 **ANNOUNCER OR PRODUCER IN CASE OF TELEVISION AND**
27 **RADIO BROADCASTING AND DIGITAL MEDIA, AND PRODUCER**
28 **AND DIRECTOR OF THE FILM IN CASE OF THE MOVIE**
29 **INDUSTRY, TO CAUSE ANY PUBLICITY THAT MAY RESULT IN**
30 **THE FURTHER SUFFERING OF THE VICTIM. ANY PERSON OR**

1 **AGENCY INVOLVED IN THE REPORTING, INVESTIGATION OR**
2 **TRIAL OF CASES OF GENDER-BASED VIOLENCE SHALL REFRAIN**
3 **FROM ANY ACT OR STATEMENT THAT MAY BE CONSTRUED AS**
4 **BLAMING THE VICTIM OR PLACING RESPONSIBILITY ON THE**
5 **VICTIM FOR THE OFFENSE COMMITTED AGAINST THEM.**

6 **Sec. 9.** Section 9 of Republic Act No. 9208 is hereby deleted, and a new Section
7 9 shall read as follows:

8 **"SECTION 9. *DUTIES AND RESPONSIBILITIES OF THE PRIVATE***
9 ***SECTOR.***

10 **A. *DUTIES OF INTERNET INTERMEDIARIES.*** INTERNET
11 **INTERMEDIARIES INCLUDING, BUT NOT LIMITED TO,**
12 **INTERNET SERVICE PROVIDERS, INTERNET CONTENT**
13 **HOSTS, PARTICIPATIVE NETWORK PLATFORM PROVIDERS,**
14 **FINANCIAL INTERMEDIARIES, ELECTRONIC MONEY**
15 **ISSUERS, SHALL PREVENT THEIR FACILITIES,**
16 **INFRASTRUCTURE AND PLATFORMS FROM BEING UTILIZED**
17 **IN VIOLATION OF THE PROVISIONS OF THIS ACT, SHALL**
18 **COOPERATE AS FAR AS PRACTICABLE WITH LAW**
19 **ENFORCEMENT AUTHORITIES FOR THE PROSECUTION OF**
20 **OFFENDERS AND THE PRESERVATION OF EVIDENCE,**
21 **INCLUDING THE PROVISION OF SUBSCRIBER**
22 **INFORMATION AND/OR TRAFFIC DATA OF ANY PERSON OR**
23 **SUBSCRIBER WHO HAS COMMITTED, IS COMMITTING, OR**
24 **IS ATTEMPTING TO COMMIT ANY VIOLATION OF THIS ACT**
25 **UPON FORMAL REQUEST OF DULY AUTHORIZED LAW**
26 **ENFORCEMENT BODIES WITH NO NEED OF WARRANT AND**
27 **IN ACCORDANCE WITH DUE PROCESS.**

28 **NOTHING IN THIS SECTION MAY BE CONSTRUED TO**
29 **REQUIRE INTERNET INTERMEDIARIES TO ENGAGE IN THE**
30 **MONITORING OF ANY USER, SUBSCRIBER OR CUSTOMER,**

1 OR THE CONTENT OF ANY COMMUNICATION OF ANY SUCH
2 PERSON.

3 THESE DUTIES AND OBLIGATIONS SHALL BE WITHOUT
4 PREJUDICE TO OTHER DUTIES AND OBLIGATIONS THAT
5 MAY BE IMPOSED IN OTHER LAWS, PARTICULARLY WHEN
6 THE VIOLATIONS INVOLVE ONLINE SEXUAL ABUSE AND
7 EXPLOITATION OF CHILDREN.

8 ***B. DUTIES OF OWNERS AND OPERATORS OF INTERNET CAFES,
9 HOTSPOTS AND KIOSKS, MONEY TRANSFER AND
10 REMITTANCE CENTERS, TRANSPORT SERVICES, TOURISM
11 ENTERPRISES, MALLS AND OTHER BUSINESS
12 ESTABLISHMENTS OPEN AND CATERING TO THE PUBLIC.***
13 **THESE PERSONS AND ENTITIES ARE REQUIRED TO NOTIFY
14 THE PNP OR THE NBI WITHIN FORTY EIGHT HOURS (48)
15 HOURS FROM OBTAINING FACTS AND CIRCUMSTANCES
16 THAT VIOLATIONS OF THIS ACT ARE TAKING PLACE WITHIN
17 THEIR PREMISES, OR THAT THEIR FACILITIES AND
18 SERVICES ARE BEING USED TO COMMIT VIOLATIONS OF
19 THIS ACT. ESTABLISHMENTS SHALL PROMOTE AWARENESS
20 AGAINST TRAFFICKING IN PERSONS THROUGH CLEAR AND
21 VISIBLE SIGNAGES IN BOTH ENGLISH AND THE LOCAL
22 DIALECT, WITH LOCAL AND NATIONAL HOTLINES POSTED
23 WITHIN THEIR FACILITIES. MONEY TRANSFER AND
24 REMITTANCE CENTERS SHALL REQUIRE INDIVIDUALS
25 TRANSACTING WITH THEM TO PRESENT VALID
26 GOVERNMENT IDENTIFICATION CARDS.**

27 ***C. BANKS, MONEY SERVICE BUSINESSES, CREDIT CARD
28 COMPANIES, ELECTRONIC MONEY ISSUERS, AND OTHER
29 BSP-SUPERVISED FINANCIAL INSTITUTIONS. BANKS,***

1 MONEY SERVICE BUSINESSES, CREDIT CARD COMPANIES,
2 ELECTRONIC MONEY ISSUERS AND OTHER BSP-
3 SUPERVISED FINANCIAL INSTITUTIONS OR ANY PERSON
4 WHO HAS DIRECT KNOWLEDGE OF, OR HAS REASONABLE
5 SUSPICION THAT A FINANCIAL ACTIVITY IS RELATED TO
6 SUSPECTED TRAFFICKING ACTIVITY OR TRANSACTION,
7 SHALL HAVE THE DUTY TO REPORT TO THE PROPER
8 AUTHORITIES, SUCH AS THE AMLC, WITHIN SEVEN (7) DAYS
9 FROM DISCOVERY THEREOF.

10 THE ANTI-MONEY LAUNDERING COUNCIL (AMLC) SHALL
11 PROMULGATE THE NECESSARY RULES AND REGULATIONS
12 FOR THE IMPLEMENTATION OF THIS PROVISION WHICH
13 SHALL INCLUDE, AMONG OTHERS, THE GUIDELINES TO
14 DETERMINE SUSPICIOUS ACTIVITY AND INDICATORS THAT
15 OSAEC-RELATED ACTIVITIES ARE BEING CONDUCTED.
16 AMLC SHALL PROVIDE THE NECESSARY GUIDELINES WITH
17 REGARD TO THIS PROVISION WITHIN THREE (3) MONTHS
18 FROM THE EFFECTIVITY OF THIS ACT.

19 LAW ENFORCEMENT AGENCIES INVESTIGATING TIP CASES
20 MAY REQUIRE FINANCIAL INTERMEDIARIES, INTERNET
21 PAYMENT SYSTEM PROVIDERS, AND OTHER FINANCIAL
22 FACILITATORS TO PROVIDE FINANCIAL DOCUMENTS AND
23 INFORMATION UPON ORDER OF ANY COMPETENT COURT
24 BASED ON AN *EX PARTE* APPLICATION IN CASES OF
25 VIOLATIONS OF THIS ACT, WHEN IT HAS BEEN
26 ESTABLISHED THAT THERE IS REASONABLE GROUND TO
27 BELIEVE THAT THE TRANSACTIONS TO BE EXAMINED ARE
28 IN ANY WAY RELATED TO TIP.

1 NOTWITHSTANDING THE PROVISIONS OF REPUBLIC ACT
2 NO. 1405 AS AMENDED, REPUBLIC ACT NO. 6426 AS
3 AMENDED, REPUBLIC ACT NO. 8791 AND OTHER PERTINENT
4 LAWS, THE LAW ENFORCEMENT AGENCIES INVESTIGATING
5 TIP CASES MAY INQUIRE INTO OR EXAMINE ANY
6 PARTICULAR DEPOSIT OR INVESTMENT, INCLUDING
7 RELATED ACCOUNTS, WITH ANY BANKING INSTITUTION OR
8 NON-BANK FINANCIAL INSTITUTION UPON ORDER OF ANY
9 COMPETENT COURT BASED ON AN *EX PARTE* APPLICATION
10 IN CASES OF VIOLATIONS OF THIS ACT, WHEN IT HAS BEEN
11 ESTABLISHED THAT THERE IS REASONABLE GROUND TO
12 BELIEVE THAT THE DEPOSIT OR INVESTMENTS, INCLUDING
13 RELATED ACCOUNTS INVOLVED, ARE RELATED TO TIP AND
14 VIOLATIONS OF THIS ACT.

15 ***D. HOTELS, TRANSIENT AND RESIDENTIAL HOUSES,***
16 ***CONDOMINIUMS, DORMITORIES AND APARTMENTS OR***
17 ***ANY ANALOGOUS LIVING SPACES. ALL OWNERS, LESSORS,***
18 ***SUB-LESSORS AND OPERATORS OF HOTELS, TRANSIENT***
19 ***AND RESIDENTIAL HOUSES, CONDOMINIUMS,***
20 ***DORMITORIES AND APARTMENTS OR ANY ANALOGOUS***
21 ***LIVING SPACES SHALL NOTIFY THE PNP OR THE NBI***
22 ***IMMEDIATELY BUT NOT LATER THAN 48 HOURS FROM***
23 ***OBTAINING FACTS AND CIRCUMSTANCES THAT***
24 ***TRAFFICKING ACTIVITIES AND/OR OSAEC ACTIVITIES ARE***
25 ***BEING COMMITTED WITHIN THEIR PREMISES; PROVIDED,***
26 ***THAT ACTUAL KNOWLEDGE BY THE***
27 ***OWNERS/LESSORS/SUB-LESSEES/OPERATORS AND***
28 ***OWNERS OR LESSORS OF OTHER BUSINESS***
29 ***ESTABLISHMENTS IS REQUIRED FOR THERE TO BE A***
30 ***VIOLATION UNDER THIS ACT; PROVIDED FURTHER, THAT***
31 ***THE RECEIPT OF INFORMATION THAT TRAFFICKING***

1 **ACTIVITY HAS TAKEN PLACE IN THE PREMISES ALSO GIVES**
2 **RISE TO THE DUTY TO NOTIFY THE PNP OR THE NBI.**

3 **THE DUTIES AND OBLIGATIONS OF THE ABOVE ENTITIES AS**
4 **STATED HEREIN, WHEN REQUESTED BY LAW ENFORCERS,**
5 **PROSECUTORS AND OTHER INVESTIGATIVE BODIES THROUGH**
6 **PROPER PROCESSES AND DONE IN GOOD FAITH, SHALL NOT BE**
7 **CONSTRUED AS A VIOLATION OF REPUBLIC ACT NO. 10173, OR THE**
8 **"DATA PRIVACY ACT OF 2012" AND/OR REPUBLIC ACT NO. 10175,**
9 **OR THE "CYBERCRIME PREVENTION ACT OF 2012".**

10 **Sec. 10.** Section 10 of Republic Act No. 9208 is hereby amended to read as
11 follows:

12 **"SEC. 10.** Penalties and Sanctions. – The following penalties and sanctions
13 are hereby established for the offenses enumerated in this act:

14 x x x

15 **(G) ANY PERSON WHO VIOLATES SECTION 9 HEREOF SHALL**
16 **SUFFER THE PENALTY OF A FINE OF NOT LESS THAN TWO MILLION**
17 **PESOS (P2,000,000.000) BUT NOT MORE THAN FIVE MILLION**
18 **PESOS (P5,000,000.00) FOR THE FIRST OFFENSE. IN CASE OF**
19 **SUBSEQUENT OFFENSE, THE PENALTY OF FINE OF NOT LESS THAN**
20 **TWO MILLION PESOS (P2,000,000.00) BUT NOT MORE THAN TEN**
21 **MILLION PESOS (P10,000,000.00) AND REVOCATION OF**
22 **FRANCHISE AND LICENSE TO OPERATE. WITHOUT PREJUDICE TO**
23 **THE CRIMINAL LIABILITY OF THE PERSON OR PERSONS**
24 **WILFULLY REFUSING TO PERFORM THE RESPONSIBILITIES**
25 **UNDER SECTION 9 OF THIS ACT, JURIDICAL PERSONS OWNING**
26 **OR MANAGING THE AFOREMENTIONED ENTERPRISES SHALL BE**
27 **SUBSIDIARILY LIABLE, AND THEIR LICENSE OR PERMIT TO**
28 **OPERATE MAY BE REVOKED.**

1 **WILFUL AND INTENTIONAL VIOLATIONS OF SECTION 9 OF THIS**
2 **ACT ARE SUBJECT TO THE PENALTIES IN PARAGRAPH (F) OF THIS**
3 **SECTION;**

4 **(H) ANY PERSON FOUND GUILTY OF VIOLATING PARAGRAPHS D**
5 **AND G OF SECTION 8 SHALL SUFFER THE PENALTY OF**
6 **IMPRISONMENT OF SIX (6) YEARS AND A FINE OF NOT LESS THAN**
7 **FIVE HUNDRED THOUSAND PESOS (P500,000.00) BUT NOT MORE**
8 **THAN ONE MILLION PESOS (P1,000,000.00), PROVIDED, THAT IF**
9 **HE OR SHE IS A GOVERNMENT EMPLOYEE, HE OR SHE SHALL BE**
10 **HELD ADMINISTRATIVELY LIABLE, WITHOUT PREJUDICE TO ANY**
11 **CRIMINAL LIABILITY UNDER THIS ACT. THE CONCERNED**
12 **GOVERNMENT OFFICIAL OR EMPLOYEE MAY, UPON CONVICTION,**
13 **BE DISMISSED FROM THE SERVICE AND BE BARRED**
14 **PERMANENTLY TO HOLD PUBLIC OFFICE. HIS OR HER**
15 **RETIREMENT AND OTHER BENEFITS SHALL LIKEWISE BE**
16 **FORFEITED.**

17 **(I) ~~{(g)}~~** If the offender is a corporation, partnership, association, club,
18 establishment or any juridical person, the penalty shall be imposed upon
19 the owner, president, partner, manager, and/or any responsible officer who
20 participated in the commission of the crime or who shall have knowingly
21 permitted or **KNOWINGLY** failed to prevent its commission;

22 **(J) ~~{(h)}~~** The registration with the Securities and Exchange Commission
23 (SEC) **AND/OR THE DEPARTMENT OF TRADE AND INDUSTRY (DTI)**
24 and license to operate of the erring agency, corporation, association,
25 religious group, tour or travel agent, club or establishment, ~~[or]~~ any place
26 of entertainment, **OR ANY OF THE ENUMERATED ENTITIES UNDER**
27 **SECTION 9**, shall be cancelled and revoked permanently. The owner,
28 president, partner or manager thereof shall not be allowed to operate similar
29 establishments in a different name;

1 **(K) ~~{(i)}~~** If the offender is a foreigner, he or she shall be immediately
2 deported after serving his or her sentence and be barred permanently from
3 entering the country;

4 **(L) ~~{(j)}~~** Any employee or official of government agencies who shall issue
5 or approve the issuance of travel exit clearances, passports, registration
6 certificates, counseling certificates, marriage license, and other similar
7 documents to persons, whether juridical or natural, recruitment agencies,
8 establishments or other individuals or groups, who fail to observe the
9 prescribed procedures and the requirement as provided for by laws, rules
10 and regulations, shall be held administratively liable, without prejudice to
11 criminal liability under this Act. The concerned government official or
12 employee shall, upon conviction, be dismissed from the service and be
13 barred permanently to hold public office. His or her retirement and other
14 benefits shall likewise be forfeited; and

15 **(M) ~~{(k)}~~** Conviction, by final judgment of the adopter for any offense under
16 this Act shall result in the immediate rescission of the decree of adoption."

17 **Sec. 11.** Section 15 of Republic Act No. 9208 is hereby amended to read as
18 follows:

19 "Section 15. Trust Fund. All fines imposed under this Act and the
20 proceeds and properties forfeited and confiscated pursuant to Sec. 14
21 hereof, **AS WELL AS THOSE COLLECTED BY THE AMLC**, shall accrue
22 to a Trust Fund to be administered and managed by the Council to be
23 used exclusively for programs that will prevent acts of trafficking and
24 protect, rehabilitate, reintegrate trafficked persons into the mainstream
25 o society. Such programs shall include, but are not limited to, the
26 following:

27 (a) Provision for mandatory services set forth in Section 23 of this Act;

- 1 (b) Sponsorship of a national research program on trafficking and
2 establishment of a data collection system for monitoring and
3 evaluation purposes;
- 4 (c) Provision of necessary technical and material support services to
5 appropriate government agencies and non-government organizations
6 (NGOs);
- 7 (d) Sponsorship of conferences and seminars to provide venue for
8 consensus building amongst the public, the academe, government,
9 NGOs and international organizations; and
- 10 (e) Promotion of information and education campaign on trafficking.

11 **Sec. 12.** Section 16 of Republic Act No. 9208 is hereby amended to read as
12 follows:

13 **SECTION 16.** Programs that Address Trafficking in Persons– The
14 government shall establish and implement preventive, protective and
15 rehabilitative programs for trafficked persons. For this purpose, the
16 following agencies are hereby mandated to implement the following
17 programs:

18 "(a) Department of Foreign Affairs (DFA) – shall make available its
19 resources and facilities overseas for trafficked persons regardless of their
20 manner of entry to the receiving country, and explore means to further
21 enhance its assistance in eliminating trafficking activities through closer
22 networking with government agencies in the country and overseas,
23 particularly in the formulation of policies and implementation of relevant
24 programs. It shall provide Filipino victims of trafficking overseas with free
25 legal assistance and counsel to pursue legal action against his or her
26 traffickers, represent his or her interests in any criminal investigation or
27 prosecution, and assist in the application for social benefits and/or
28 regular immigration status as may be allowed or provided for by the host
29 country. The DFA shall repatriate trafficked Filipinos with the consent of

1 the victims **AND ASSIST IN THE PROSECUTION OF THEIR**
2 **TRAFFICKERS.**

3 "The DFA shall take necessary measures for the efficient implementation
4 of the Electronic Passporting System to protect the integrity of Philippine
5 passports, visas and other travel documents to reduce the incidence of
6 trafficking through the use of fraudulent identification documents.

7 In coordination with the Department of Labor and Employment, it shall
8 provide free temporary shelters and other services to Filipino victims of
9 trafficking overseas through the Migrant Workers and other Overseas
10 Filipinos Resource Centers established overseas under Republic Act No.
11 8042, as amended.

12 **"IN COORDINATION WITH THE BUREAU OF IMMIGRATION (BI)**
13 **AND THE DEPARTMENT OF JUSTICE (DOJ), THE DFA SHALL**
14 **ENSURE, AS FAR AS PRACTICABLE, THAT ALL CONVICTED SEX**
15 **OFFENDERS IN ALL JURISDICTIONS, OR THOSE LISTED IN THE**
16 **REGISTRY OF SEX OFFENDERS IN THEIR OWN COUNTRIES**
17 **SHALL NOT BE ALLOWED ENTRY IN THE PHILIPPINES. IT**
18 **SHALL DISALLOW ENTRY OF FOREIGN NATIONALS WHO HAVE**
19 **BEEN BLACKLISTED OR PLACED IN THE WATCHLIST STATUS**
20 **FOR HAVING COMMITTED SEX OFFENSES AGAINST WOMEN**
21 **AND CHILDREN, OR SIMILAR ACTIVITIES AS TRAFFICKING IN**
22 **PERSONS AND OSAEC, IN ANY JURISDICTION.**

23 **FURTHERMORE, THE DFA, THE BI, AND THE DOJ SHALL**
24 **DEVELOP MECHANISMS TO ENSURE THE TIMELY,**
25 **COORDINATED, AND EFFECTIVE RESPONSE TO CROSS-BORDER**
26 **CASES OF TRAFFICKING; RECOMMEND MEASURES AND**
27 **UNDERTAKE JOINT ACTIVITIES TO ENHANCE COOPERATIVE**
28 **EFFORTS AND MUTUAL ASSISTANCE AMONG FOREIGN**

1 **COUNTRIES THROUGH BILATERAL AND/OR MULTI-LATERAL**
2 **ARRANGEMENTS TO PROMOTE THE REGISTRATION OF**
3 **TRAFFICKING AND SEX OFFENDERS AND THEIR NOTIFICATION**
4 **TO PERSONS CONCERNED; ADOPT MEASURES AND POLICIES**
5 **TO PROTECT THE RIGHTS AND NEEDS OF VICTIMS WHO ARE**
6 **FOREIGN NATIONALS OR WHO ARE STATELESS IN THE**
7 **PHILIPPINES AND FOREIGN NGOs CARING FOR AND**
8 **PROTECTING VICTIMS; INITIATE TRAINING PROGRAMS IN**
9 **IDENTIFYING AND PROVIDING THE NECESSARY MEASURES**
10 **FOR INTERVENTION OR ASSISTANCE TO VICTIMS OR NGOs**
11 **PROTECTING VICTIMS.**

12 “(b) Department of Social Welfare and Development (DSWD) – shall
13 implement rehabilitative and protective programs for trafficked persons.
14 It shall provide counseling and temporary shelter to trafficked persons
15 and develop a system for accreditation among NGOs for purposes of
16 establishing centers and programs for intervention in various levels of
17 the community. It shall establish free temporary shelters, for the
18 protection and housing of trafficked persons to provide the following
19 basic services:

- 20 (1) temporary housing and food facilities;
- 21 (2) psychological support and counseling;
- 22 (3) 24-hour call center for crisis calls and technology-based counseling
23 and referral system;
- 24 (4) coordination with local law enforcement entities; and
- 25 (5) coordination with the Department of Justice, among others.

26 The DSWD must conduct information campaigns in communities and
27 schools teaching parents and families that receiving consideration in
28 exchange for adoption is punishable under the law. Furthermore,
29 information campaigns must be conducted with the police **AND LOCAL**

1 **GOVERNMENT OFFICIALS** that they must not induce poor women to
2 give their children up for adoption in exchange for consideration.

3 “(c) Department of Labor and Employment (DOLE) – shall ensure the
4 strict implementation and compliance with the rules and guidelines
5 relative to **STANDARD LABOR CONDITIONS AND** the employment
6 of persons locally and overseas **ACROSS ALL SECTORS**. It shall
7 likewise monitor, document and report cases of trafficking in persons
8 involving employers and **FORMAL/INFORMAL** labor recruiters
9 **ACROSS ALL SECTORS, PROVIDE EMPLOYMENT FACILITATION**
10 **AND LIVELIHOOD OPPORTUNITIES TO TRAFFICKED VICTIMS**
11 **AND SURVIVORS. IT SHALL ASSIST IN THE PROSECUTION OF**
12 **EMPLOYERS HIRING TRAFFICKED FOREIGN NATIONALS. IN**
13 **COORDINATION WITH THE DFA, IT SHALL PROVIDE FREE**
14 **TEMPORARY SHELTERS AND OTHER SERVICES TO FILIPINO**
15 **VICTIMS OF TRAFFICKING THROUGH THE MWOFRM UNDER**
16 **REPUBLIC ACT NO. 8042. IT SHALL ALSO PROVIDE**
17 **REINTEGRATION SUPPORT TO THESE VICTIMS UPON THEIR**
18 **REPATRIATION.**

19 “(d) Department of Justice (DOJ) – shall ensure the prosecution of
20 persons accused of trafficking and designate and train special
21 prosecutors who shall handle and prosecute cases of trafficking. It shall
22 also establish a mechanism for free legal assistance for trafficked
23 persons, in coordination with the DSWD, Integrated Bar of the
24 Philippines (IBP) and other NGOs and volunteer groups. **THE DOJ**
25 **SHALL CONDUCT TRAININGS AND CONTINUOUS EDUCATION**
26 **PROGRAMS ON INVESTIGATION AND PROSECUTION FOR**
27 **TRAFFICKING IN PERSONS AND OTHER RELATED OFFENSES**
28 **FOR PROSECUTORS AND LAW ENFORCEMENT OFFICERS; MAKE**
29 **AND/OR PROCESS REQUESTS FOR MUTUAL LEGAL ASSISTANCE**
30 **OR EXTRADITION; COORDINATION WITH INTERNATIONAL**

1 **LAW ENFORCEMENT AND PROSECUTION AUTHORITIES FOR**
2 **THE PROSECUTION OF HUMAN TRAFFICKERS WITH A CROSS-**
3 **BORDER ELEMENT; INSTITUTIONALIZE BORDER CONTROL**
4 **MECHANISMS TO ENFORCE THE PROVISIONS OF THIS ACT;**
5 **AND COORDINATE WITH AND PROVIDE ASSISTANCE TO THE**
6 **ANTI-MONEY LAUNDERING COUNCIL (AMLC) ON CASES OF**
7 **TRAFFICKING IN PERSONS WITH POSSIBLE MONEY LAUNDRY**
8 **UNDERPINNINGS.**

9 “(e) Philippine Commission on Women (PCW) – shall actively participate
10 and coordinate in the formulation and monitoring of policies addressing
11 the issue of trafficking in persons in coordination with relevant
12 government agencies. It shall likewise advocate for the inclusion of the
13 issue of trafficking in persons in both its local and international advocacy
14 for women’s issues.

15 “(f) Bureau of Immigration (BI) – shall strictly administer and enforce
16 immigration and alien administration laws, **INCLUDING THE**
17 **PROHIBITION AGAINST THE ENTRY OF CONVICTED HUMAN**
18 **TRAFFICKERS.** It shall adopt measures for the apprehension of
19 suspected traffickers both at the place of arrival and departure, **ENSURE**
20 **STRONGER BORDER PROTECTION AGAINST HUMAN**
21 **TRAFFICKING INCLUDING BUT NOT LIMITED TO THE**
22 **REGULATION OF VISA UPON ARRIVALS,** and shall ensure
23 compliance by the Filipino fiancés/fiancées and spouses of foreign
24 nationals with the guidance and counseling requirement as provided for
25 in this Act.

26 XXX

27 “(i) Department of the Interior and Local Government (DILG) – shall
28 institute a systematic information and prevention campaign in
29 coordination with pertinent agencies of government as provided for in
30 this Act. **IN COORDINATION WITH THE IACAT,** it shall provide

1 training **CAPACITY-BUILDING AND AWARENESS-RAISING**
2 programs to local government units, in coordination with the Council **TO**
3 **SUPPORT THE EFFECTIVE IMPLEMENTATION OF A**
4 **COMMUNITY-BASED TRAFFICKING EDUCATION PROGRAM,** ~~fin~~
5 ensuring] **AND TO ENSURE** wide understanding and application of this
6 Act at the local level.

7 **IT SHALL MANDATE LOCAL GOVERNMENT UNITS TO PASS AN**
8 **ORDINANCE TO COMBAT TRAFFICKING IN PERSONS AND**
9 **OTHER FORMS OF EXPLOITATION AT THE LOCAL LEVEL.**

10 "(j) Commission on Filipinos Overseas – shall conduct pre-departure
11 counseling services for Filipinos in intermarriages, **INCLUDING AN**
12 **ORIENTATION ON HUMAN TRAFFICKING AND OTHER FORMS**
13 **OF EXPLOITATION, REPORTING MECHANISMS AND SERVICES**
14 **AVAILABLE TO THE VICTIMS AND SURVIVORS, MAINTAIN A**
15 **WATCH LIST DATABASE OF FOREIGN NATIONALS WITH A**
16 **HISTORY OF DOMESTIC VIOLENCE, INVOLVEMENT IN**
17 **TRAFFICKING IN PERSONS, MAIL-ORDER-BRIDE SCHEMES,**
18 **CHILD ABUSE, AND SEXUAL ABUSE.** It shall develop a system of
19 accreditation of NGOs that may be mobilized for purposes of conducting
20 pre-departure counseling services for Filipinos in intermarriages. As
21 such, it shall ensure that the counselors contemplated under this Act
22 shall have the minimum qualifications and training of guidance
23 counselors as provided for by law.

24 It shall likewise assist in the conduct of information campaigns against
25 trafficking in coordination with local government units, the Philippine
26 Information Agency, and NGOs.

27 (k) Local government units (LGUs) – shall monitor and document cases
28 of trafficking in persons in their areas of jurisdiction, effect the

1 cancellation of licenses of establishments which violate the provisions of
2 this Act and ensure effective prosecution of such cases. They shall also
3 undertake an information campaign against trafficking in persons
4 through the establishment of the Migrants Advisory and Information
5 Network (MAIN) desks in municipalities or provinces in coordination with
6 the DILG, Philippine Information Agency (PIA), Commission on Filipinos
7 Overseas (CFO), NGOs and other concerned agencies. They shall
8 encourage and support community-based initiatives which address the
9 trafficking in persons, **PROVIDE A SYSTEM OF REPORTING HUMAN**
10 **TRAFFICKING CASES; PROVIDE BASIC SERVICES FOR THE**
11 **PREVENTION, RESCUE, RECOVERY, REHABILITATION, AND**
12 **REINTEGRATION AND AFTER-CARE SUPPORT TO VICTIMS OF**
13 **TRAFFICKING AND THEIR FAMILIES; AND ESTABLISH A**
14 **SEPARATE AND SPECIALIZED CENTRE FOR TRAFFICKED**
15 **VICTIMS.**

16 **LGUs SHALL ALSO ENACT ORDINANCES OR ISSUANCES AIMED**
17 **AT PROVIDING PROTECTION AND SUPPORT TO TRAFFICKED**
18 **PERSONS AND THEIR FAMILIES; CREATE EDUCATION**
19 **PROGRAMS FOR COMMUNITY-BASED YOUTH; PRESCRIBE**
20 **COMPLIANCE WITH THIS ACT AS REQUISITE FOR THE**
21 **ISSUANCE AND RENEWAL OF LICENSES AND PERMITS TO**
22 **ESTABLISHMENTS WITHIN ITS JURISDICTION, WHICH MAY**
23 **INCLUDE INTERNET SERVICE PROVIDERS, INTERNET**
24 **CONTENT HOSTS, INTERNET CAFES AND ESTABLISHMENTS**
25 **OFFERING WIFI SERVICES, TOURISM ENTERPRISES AND**
26 **MALLS, TRANSPORTATION SERVICES, FINANCIAL**
27 **INTERMEDIARIES, AND TO EFFECT CANCELLATION OF**
28 **LICENCES FOR VIOLATIONS. IT SHALL ALSO STRENGTHEN,**
29 **ACTIVATE AND MOBILIZE EXISTING COMMITTEES AND**
30 **COUNCILS AGAINST TRAFFICKING IN PERSON AT EVERY LGU**
31 **LEVEL.**

1 **LGUs SHALL ALSO UNDERTAKE INFORMATION CAMPAIGNS**
2 **AGAINST TRAFFICKING IN PERSONS, INCLUDING BUT NOT**
3 **LIMITED TO THE CONDUCT, ORIENTATION, AND SEMINARS,**
4 **AND THE ESTABLISHMENT OF THE MIGRANTS ADVISORY AND**
5 **INFORMATION NETWORK (MAIN) DESKS IN MUNICIPALITIES**
6 **OR PROVINCES IN COORDINATION WITH DILG, PIA, CFO,**
7 **NGOs AND OTHER CONCERNED AGENCIES AND SHALL**
8 **ENCOURAGE AND SUPPORT COMMUNITY-BASED INITIATIVES**
9 **WHICH ADDRESS TRAFFICKING IN PERSONS STARTING AT THE**
10 **BARANGAY LEVEL, THROUGH A HUMAN TRAFFICKING**
11 **PREVENTIVE EDUCATION PROGRAM THAT AIMS TO EDUCATE**
12 **AND ORIENT THE PUBLIC AGAINST HUMAN TRAFFICKING AND**
13 **THE SERVICES THAT MAY BE AVAILED OF FOR VICTIMS AND**
14 **SURVIVORS.**

15 In implementing this Act, the agencies concerned may seek and enlist
16 the assistance of NGOs, people's organizations (POs), civic organizations
17 and other volunteer groups.

18 **“(L) DEPARTMENT OF HEALTH (DOH) – SHALL MAKE AVAILABLE**
19 **RESOURCES AND FACILITIES IN PROVIDING HEALTH CARE TO**
20 **VICTIMS OF TRAFFICKING, WHICH SHALL AT ALL TIMES BE**
21 **HELD CONFIDENTIAL. IT SHALL LIKEWISE DEVELOP A**
22 **COMPREHENSIVE PROGRAM TO PREVENT THE TRAFFICKING**
23 **OF PERSONS FOR THE REMOVAL OR SALE OF ORGANS, AND**
24 **RENDER ASSISTANCE IN THE INVESTIGATION AND**
25 **PROSECUTION OF THE SAME. IT SHALL ALSO UNDERTAKE**
26 **ACTIVITIES TO INCREASE PUBLIC AWARENESS ON**
27 **TRAFFICKING IN PERSONS FOR THE REMOVAL OR SALE OF**
28 **ORGANS, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO,**
29 **AWARENESS AMONG MEDICAL PRACTITIONERS, FAMILY AND**

1 PATIENT INFORMATION AND EDUCATION, PUBLIC
2 EDUCATION, AND ADVOCACY CAMPAIGNS. IT SHALL ALSO
3 PROVIDE ASSISTANCE IN THE INVESTIGATION AND
4 PROSECUTION OF TRAFFICKERS OF INFANTS BORN IN HEALTH
5 FACILITIES.

6 “(M) DEPARTMENT OF INFORMATION AND COMMUNICATIONS
7 TECHNOLOGY (DICT) – SHALL EXTEND IMMEDIATE
8 ASSISTANCE FOR THE PREVENTION OF THE COMMISSION OF
9 CYBERCRIME OFFENSES RELATED TO TRAFFICKING IN
10 PERSONS, PARTICULARLY ONLINE SEXUAL ABUSE AND
11 EXPLOITATION OF CHILDREN, AND ASSIST LAW
12 ENFORCEMENT AUTHORITIES IN THE INVESTIGATION OF
13 TRAFFICKING IN PERSONS THROUGH THE USE OF ICT;

14 “(N) DEPARTMENT OF TRANSPORTATION (DOTR) –SHALL
15 DEVELOP A COMPREHENSIVE PROGRAM AND AWARENESS
16 CAMPAIGN TO ASSIST ALL TRANSPORTATION SECTORS,
17 INCLUDING TRANSPORT NETWORK VEHICLE SERVICES
18 (TNVS), AND TRANSPORTATION PERSONNEL, SUCH AS
19 AIRLINE FLIGHT ATTENDANTS, AIRPORT AGENTS, TAXI AND
20 BUS DRIVERS, TNVS DRIVERS, TRUCKERS, TRAIN AND
21 DELIVERY DRIVERS, AND PASSENGER BOAT CREW IN
22 IDENTIFYING VICTIMS OF TRAFFICKING IN PERSONS AND
23 REPORTING INCIDENTS OF TRAFFICKING IN PERSONS;

24 “(O) DEPARTMENT OF TOURISM (DOT) – IN COORDINATION
25 WITH THE IACAT AND OTHER RELEVANT GOVERNMENT
26 AGENCIES, SHALL FORMULATE AND IMPLEMENT PREVENTIVE
27 MEASURES AGAINST SEX TOURISM PACKAGES AND THE USE OF
28 TOURISM ENTERPRISES AS SITUS OF HUMAN TRAFFICKING;
29 DEVELOP A COMPREHENSIVE PROGRAM, INCLUDING

1 POLICIES AND GUIDELINES, TO ADDRESS AND PREVENT
2 TRAFFICKING IN PERSONS IN THE TRAVEL AND TOURISM
3 INDUSTRY AND IN PLACES OF AMUSEMENT;

4 IT SHALL ALSO ENSURE THAT RELEVANT NATIONAL AND LOCAL
5 LABOR STANDARDS AND PRACTICES ARE BEING FOLLOWED
6 AND ADOPTED WITHIN THE TRAVEL AND TOURISM INDUSTRY
7 AND IN PLACES OF AMUSEMENT.

8 "(P) DEPARTMENT OF EDUCATION (DEPED) – SHALL PROVIDE
9 MEASURES TO PREVENT TRAFFICKING IN PERSONS IN
10 EDUCATIONAL INSTITUTIONS, SUCH AS THE CONDUCT OF
11 INFORMATION CAMPAIGNS AND THE ESTABLISHMENT OF
12 REPORTING MECHANISMS IN THE SCHOOL SYSTEM
13 CONSISTENT WITH ITS CHILD PROTECTION AND GENDER AND
14 DEVELOPMENT PROGRAMS. THE DEPED SHALL ALSO DEVELOP
15 A TEACHER TRAINING MANUAL AND MODULES/CURRICULUM
16 FOR STUDENTS AIMED AT AWARENESS-RAISING AND THE
17 PREVENTION OF CASES OF TRAFFICKING IN PERSONS;

18 IN COORDINATION WITH THE IACAT, THE COMMISSION ON
19 HIGHER EDUCATION (CHED), THE TECHNICAL EDUCATION AND
20 SKILLS DEVELOPMENT AUTHORITY (TESDA), AND CIVIL
21 SOCIETY ACTORS, THE DEPED SHALL IMPLEMENT A SCHOOL-
22 BASED ANTI-TRAFFICKING AND OSAEC PREVENTIVE
23 EDUCATION PROGRAM;

24 "(Q) DEPARTMENT OF AGRICULTURE (DA) AND BUREAU OF
25 FISHERIES AND AQUATIC RESOURCES (BFAR) – SHALL
26 INSTITUTE A SYSTEMATIC INFORMATION AND PREVENTION
27 CAMPAIGN IN COORDINATION WITH PERTINENT AGENCIES
28 OF GOVERNMENT AS PROVIDED FOR IN THIS ACT. IT SHALL

1 PROVIDE CAPACITY BUILDING PROGRAMS TO ITS REGIONAL,
2 CITY, AND MUNICIPAL UNITS, IN COORDINATION WITH THE
3 IACAT AND OTHER CONCERNED AGENCIES, IN ENSURING
4 WIDE UNDERSTANDING AND APPLICATION OF THIS ACT TO
5 THE AGRICULTURE AND FISHERIES SECTOR AT THE LOCAL
6 LEVEL. THEY SHALL ENCOURAGE AND SUPPORT ANTI-
7 TRAFFICKING INITIATIVES FROM THE NATIONAL TO THE
8 LOCAL LEVELS. THEY SHALL ALSO ESTABLISH A SYSTEM TO
9 RECEIVE COMPLAINTS AND CALLS TO ASSIST TRAFFICKED
10 PERSONS AND FACILITATE REFERRAL TO THE APPROPRIATE
11 AGENCY;

12 "(R) PHILIPPINE COAST GUARD (PCG) – CONSISTENT WITH
13 ITS MANDATE TO PERFORM MARITIME SEARCH AND RESCUE,
14 MARITIME LAW ENFORCEMENT, MARITIME SAFETY, AND
15 MARITIME SECURITY, IT SHALL UNDERTAKE REGULAR
16 INSPECTIONS, SURVEILLANCE, INVESTIGATION AND ARREST
17 OF INDIVIDUALS OR PERSONS SUSPECTED TO BE ENGAGED IN
18 TRAFFICKING AT SEA. THEY SHALL CLOSELY COORDINATE
19 WITH OTHER LAW ENFORCEMENT AGENCIES TO SECURE
20 CONCERTED EFFORTS FOR EFFECTIVE INVESTIGATION AND
21 APPREHENSION OF SUSPECTED TRAFFICKERS. THEY SHALL
22 ALSO ESTABLISH A SYSTEM TO RECEIVE COMPLAINTS AND
23 CALLS TO ASSIST TRAFFICKED PERSONS AND CONDUCT
24 RESCUE OPERATIONS. IT SHALL PROVIDE CAPACITY
25 BUILDING PROGRAMS TO ITS REGIONAL, CITY, AND
26 MUNICIPAL UNITS, IN COORDINATION WITH OTHER
27 CONCERNED AGENCIES, IN ENSURING WIDE UNDERSTANDING
28 AND APPLICATION OF THIS ACT AT THE LOCAL LEVEL. THEY
29 SHALL ENCOURAGE AND SUPPORT ANTI-TRAFFICKING
30 INITIATIVES FROM THE NATIONAL TO THE LOCAL LEVELS;

1 (S) NATIONAL COUNCIL ON DISABILITY AFFAIRS – IN
2 COORDINATION WITH THE IACAT, SHALL DEVELOP A
3 PROGRAM FOR THE PREVENTION OF TRAFFICKING OF
4 PERSONS WITH DISABILITIES AND FOR THE ASSISTANCE OF
5 PWDs WHO ARE VICTIMS OF TRAFFICKING;

6 (T) NATIONAL COMMISSION ON INDIGENOUS PEOPLES – IN
7 COORDINATION WITH THE IACAT, SHALL DEVELOP A
8 PROGRAM FOR THE PREVENTION OF TRAFFICKING IN
9 INDIGENOUS PERSONS AND IN INDIGENOUS CULTURAL
10 COMMUNITIES; *PROVIDED*, THAT TRAFFICKING IN PERSONS
11 CASES ARE MATTERS THAT CANNOT BE THE SUBJECT OF
12 SETTLEMENT IN ACCORDANCE WITH TRIBAL CUSTOMS;

13 (U) OFFICE OF CIVIL DEFENSE - NATIONAL DISASTER RISK
14 REDUCTION AND MANAGEMENT COUNCIL (OCD-NDRRMC) – IN
15 COORDINATION WITH IACAT, THE OCD-NDRRMC SHALL
16 DEVELOP GUIDELINES FOR THE PREVENTION OF TRAFFICKING
17 IN PERSONS IN EMERGENCY, DISASTER, PANDEMIC AND
18 CRISIS SITUATIONS, AS WELL AS MANDATE THE LOCAL
19 DISASTER RISK REDUCTION MANAGEMENT OFFICE (LDRRMO)
20 AND COUNCIL (LDRRMC) TO DEVELOP PROGRAMS TO PREVENT
21 AND PROTECT THE SURVIVORS OF DISASTER OR CONFLICT
22 FROM TRAFFICKING IN PERSONS;

23 (V) PHILIPPINE AMUSEMENT AND GAMING CORPORATION
24 (PAGCOR) – IN COORDINATION WITH IACAT AND THE DOLE,
25 SHALL DEVELOP GUIDELINES TO MONITOR PHILIPPINE OFF-
26 SHORE GAMING OPERATOR (POGO) OUTFITS TO ENSURE
27 COMPLIANCE WITH THE PROVISIONS OF THIS ACT. IT SHALL
28 ALSO MONITOR GAMING AND AMUSEMENT VENUES TO
29 PREVENT SEX TRAFFICKING AND PROSECUTE VIOLATORS;

1 **(W) PHILIPPINE CENTER ON TRANSNATIONAL CRIME — SHALL**
2 **UNDERTAKE STRATEGIC RESEARCH ON THE STRUCTURE AND**
3 **DYNAMICS OF TRAFFICKING IN PERSONS WITH**
4 **TRANSNATIONAL CRIME DIMENSION, PREDICT TRENDS AND**
5 **ANALYZE GIVEN FACTORS FOR THE FORMULATION OF**
6 **INDIVIDUAL AND COLLECTIVE STRATEGIES FOR THE**
7 **PREVENTION AND DETECTION OF TRAFFICKING IN PERSONS**
8 **AND THE APPREHENSION OF CRIMINAL ELEMENTS INVOLVED;**
9 **STRENGTHEN INFORMATION EXCHANGE ON TRAFFICKING IN**
10 **PERSONS WITH GOVERNMENT AGENCIES, FOREIGN**
11 **COUNTERPARTS AND INTERNATIONAL ORGANIZATIONS;**
12 **SERVE AS THE FOCAL POINT IN INTERNATIONAL**
13 **ENFORCEMENT COORDINATION ON TRAFFICKING IN PERSONS**
14 **PARTICULARLY WITH THE INTERPOL AND COOPERATION**
15 **WITH REGIONAL AND INTERNATIONAL FOREIGN**
16 **COUNTERPARTS; AND, PROMOTE FORMULATION AND**
17 **DEVELOPMENT OF TRAINING COURSES IN RELATION TO**
18 **COMBATING TRAFFICKING IN PERSONS;**

19 **(X) COUNCIL FOR THE WELFARE OF CHILDREN (CWC) - SHALL**
20 **INTEGRATE IN ITS DEVELOPMENT AND STRATEGIC**
21 **FRAMEWORKS ISSUES AND CONCERNS AFFECTING**
22 **TRAFFICKING IN CHILDREN AND ENSURE THE ADOPTION OF**
23 **SUCH FRAMEWORKS BY THE LGUs AND OTHER**
24 **STAKEHOLDERS; VIGOROUSLY ADVOCATE AGAINST**
25 **TRAFFICKING OF CHILDREN; IMPROVE DATA ON TRAFFICKING**
26 **IN CHILDREN THROUGH INTEGRATION OF CRITICAL AND**
27 **RELEVANT INDICATORS INTO THE MONITORING SYSTEM FOR**
28 **CHILDREN; ADOPT POLICIES AND MEASURES THAT WILL**
29 **PROTECT AND PROMOTE THE RIGHTS AND WELFARE OF**
30 **CHILDREN VICTIMS OF TRAFFICKING AND COORDINATE AND**

1 **MONITOR THEIR IMPLEMENTATION; AND, ADDRESS ISSUES**
2 **ON TRAFFICKING OF CHILDREN THROUGH POLICY AND**
3 **PROGRAM INTERVENTIONS;**

4 **(Y) PHILIPPINE PORTS AUTHORITY (PPA) – CONSISTENT**
5 **WITH ITS MANDATE, SHALL ENHANCE ITS SECURITY**
6 **MEASURES AND SHALL UNDERTAKE REGULAR INSPECTIONS**
7 **OF THE COUNTRY’S PORTS AND HARBORS, COORDINATE WITH**
8 **OTHER LAW ENFORCEMENT AGENCIES FOR EFFECTIVE**
9 **INVESTIGATION AND APPREHENSION OF SUSPECTED**
10 **TRAFFICKERS AND DEVELOP PROGRAMS TO ADDRESS AND**
11 **PREVENT TRAFFICKING IN PERSONS COMMITTED WITHIN THE**
12 **PORTS UNDER THEIR JURISDICTION.**

13 **Sec. 13.** Section 19 of Republic Act No. 9208 is hereby amended as follows:

14 “Section 19. *Trafficked Persons Who are Foreign Nationals.* – Subject to
15 the guidelines issued by the Council, trafficked persons in the Philippines
16 who are nationals of a foreign country shall also be entitled to
17 appropriate protection, assistance and services available to trafficked
18 persons under this Act, **INCLUDING THE PROVISION OF**
19 **INTERPRETERS, AND COORDINATION WITH THEIR**
20 **RESPECTIVE EMBASSIES WITH THE EXPRESS CONSENT OF THE**
21 **VICTIMS;** *Provided,* That they shall be permitted continued presence in
22 the Philippines for a length of time prescribed by the Department of
23 Justice as necessary to effect the prosecution of offenders.

24 **Sec. 14.** Section 20 of Republic Act No. 9208 is hereby amended to read as
25 follows:

26 **"SECTION 20.** *Inter-Agency Council Against Trafficking* – There is
27 hereby established an inter-agency council against trafficking, to be
28 composed of the Secretary of the Department of Justice as Chairperson

1 and the Secretary of the Department of Social Welfare and Development
2 as co-chairperson and shall have the following as members:

3 "(a) Secretary, Department of Foreign Affairs;

4 "(b) Secretary, Department of Labor and Employment;

5 "(c) Secretary, Department of the Interior and Local Government;

6 **"(D) SECRETARY, DEPARTMENT OF HEALTH**

7 **"(E) SECRETARY, DEPARTMENT OF INFORMATION AND**
8 **COMMUNICATIONS TECHNOLOGY;**

9 **"(F) SECRETARY, DEPARTMENT OF TRANSPORTATION;**

10 **"(G) SECRETARY, DEPARTMENT OF TOURISM;**

11 **"(H) SECRETARY, DEPARTMENT OF EDUCATION;**

12 **"(I)**^[d] Administrator, Philippine Overseas Employment
13 Administration;

14 **"(J) ADMINISTRATOR, OVERSEAS WORKERS WELFARE**
15 **ADMINISTRATOR;**

16 **"(K)** ^[e] Commissioner, Bureau of Immigration;

17 **"(L) COMMANDANT, PHILIPPINE COAST GUARD;**

18 **"(M)**^[f] Chief, Philippine National Police;

19 **"(N)** ^[g] Chairperson, Philippine Commission on Women;

20 **"(O)** ^[h] Chairperson, Commission on Filipinos Overseas;

21 **"(P)** ^[i] Executive Director, Philippine Center for Transnational
22 Crimes;

23 **"(Q) EXECUTIVE DIRECTOR, COUNCIL FOR THE WELFARE**
24 **OF CHILDREN;**

25 **"(R) DIRECTOR, NATIONAL BUREAU OF INVESTIGATION;**

26 **"(S) THE NATIONAL COMMISSION ON INDIGENOUS**
27 **PEOPLES;**

28 **"(T)** ^[j] Three (3) representatives from NGOs, who shall include
29 one (1) representative each from among the sectors representing
30 women, overseas Filipinos, and children, with a proven record of
31 involvement in the prevention and suppression of trafficking in
32 persons, **AND WITH A VIEW TOWARDS EVEN**

1 **GEOGRAPHICAL REPRESENTATION.** These representatives
2 shall be nominated by the government agency representatives of
3 the Council, for appointment by the President for a term of three
4 (3) years.

5 The members of the council may designate their permanent
6 representatives who shall have a rank not lower than an assistant
7 secretary or its equivalent to meetings, and shall receive
8 emoluments as may be determined by the Council in accordance
9 with existing budget and accounting rules and regulations.

10
11 **Sec. 15.** Section 21 of Republic Act No. 9208 is hereby amended to read as
12 follows:

13 **"SECTION 21. *Functions of the Council.***

14 The Council shall have the following powers and functions:

15 "(a) Formulate a comprehensive and integrated program to prevent and
16 suppress the trafficking in persons, **INCLUDING THE DEVELOPMENT**
17 **OF SCHOOL-BASED AND COMMUNITY-BASED HUMAN**
18 **TRAFFICKING PREVENTIVE EDUCATION PROGRAMS;**

19 "(b) Promulgate rules and regulations as may be necessary for the
20 effective implementation of this Act;

21 "(c) Monitor and oversee the strict implementation of this Act;

22 "(d) Coordinate the programs and projects of the various member
23 agencies to effectively address the issues and problems attendant to
24 trafficking in persons;

25 "(e) Coordinate the conduct of massive information dissemination and
26 campaign on the existence of the law and the various issues and
27 problems attendant to trafficking through the LGUs, concerned agencies,
28 and NGOs;

1 (f) Direct other agencies to immediately respond to the problems
2 brought to their attention and report to the Council on action taken;

3 (g) Assist in filing of cases against individuals, agencies, institutions or
4 establishments that violate the provisions of this Act;

5 (h) Formulate a program for the reintegration of trafficked persons in
6 cooperation with DOLE, DSWD, Technical Education and Skills
7 Development Authority (TESDA), Commission on Higher Education
8 (CHED), LGUs and NGOs;

9 (i) Secure from any department, bureau, office, agency, or
10 instrumentality of the government or from NGOs and other civic
11 organizations such assistance as may be needed to effectively implement
12 this Act;

13 (j) Complement the shared government information system for
14 migration established under Republic Act No. 8042, otherwise known as
15 the "Migrant Workers and Overseas Filipinos Act of 1995" with data on
16 cases of trafficking in persons, and ensure that the proper agencies
17 conduct a continuing research and study on the patterns and scheme of
18 trafficking in persons which shall form the basis for policy formulation
19 and program direction;

20 (k) Develop the mechanism to ensure the timely, coordinated, and
21 effective response to cases of trafficking in persons;

22 (l) Recommend measures to enhance cooperative efforts and mutual
23 assistance among foreign countries through bilateral and/or multilateral
24 arrangements to prevent and suppress international trafficking in
25 persons;

26 **(M) COORDINATE WITH THE DEPARTMENT OF INFORMATION**
27 **AND COMMUNICATIONS TECHNOLOGY (DICT), DEPARTMENT**
28 **OF TRADE AND INDUSTRY (DTI). IN MONITORING**
29 **ADVERTISEMENTS THAT TEND TO PROMOTE TRAFFICKING IN**
30 **PERSONS;**

1 (n) Adopt measures and policies to protect the rights and needs of
2 trafficked persons who are foreign nationals in the Philippines;

3 (o) Initiate training programs in identifying and providing the necessary
4 intervention or assistance to trafficked persons; and

5 (p) Exercise all the powers and perform such other functions necessary
6 to attain the purposes and objectives of this Act.

7 **Sec. 16.** Section 22 of Republic Act No. 9208 is hereby amended to read as
8 follows:

9 **"Section 22. *Secretariat to the Council.*** - The Department of Justice
10 shall establish the necessary Secretariat for the Council.

11 The secretariat shall provide support for the functions and projects of
12 the Council. The secretariat shall be headed by an executive director, who shall
13 be appointed by the Secretary of the DOJ upon the recommendation of the
14 Council. The executive director must have adequate knowledge on, training and
15 experience in the phenomenon of and issues involved in trafficking in persons
16 and in the field of law, law enforcement, social work, criminology, or psychology.

17 The executive director shall be under the supervision of the Inter-Agency
18 Council Against Trafficking through its Chairperson and Co-Chairperson, and shall
19 perform the following functions:

20 (a) Act as secretary of the Council and administrative officer of its
21 secretariat;

22 (b) Advise and assist the Chairperson in formulating and implementing
23 the objectives, policies, plans and programs of the Council, including those
24 involving mobilization of government offices represented in the Council as well
25 as other relevant government offices, task forces, and mechanisms;

26 (c) Serve as principal assistant to the Chairperson in the overall
27 supervision of council administrative business;

28 (d) Oversee all council operational activities;

29 (e) Ensure an effective and efficient performance of council functions
30 and prompt implementation of council objectives, policies, plans and programs;

1 (f) Propose effective allocations of resources for implementing council
2 objectives, policies, plans and programs;

3 (g) Submit periodic reports to the Council on the progress of council
4 objectives, policies, plans and programs;

5 (h) Prepare annual reports of all council activities; and

6 (i) Perform other duties as the Council may assign.

7 **"THE SECRETARY OF JUSTICE SHALL DETERMINE THE**
8 **ORGANIZATIONAL STRUCTURE AND STAFFING PATTERN OF**
9 **THE SECRETARIAT. SUCH ORGANIZATIONAL STRUCTURE AND**
10 **STAFFING PATTERN SHALL BE SUBMITTED TO THE**
11 **DEPARTMENT OF BUDGET AND MANAGEMENT FOR APPROVAL."**

12 **Sec. 17.** Section 24 of Republic Act No. 9208 is hereby amended to read as
13 follows:

14 **"Section 24. *Other Services for Trafficked Persons.* -**

15 (a) Legal Assistance. - Trafficked persons shall be considered under the
16 category "Overseas Filipino in Distress" and may avail of the legal
17 assistance created by Republic Act No. 8042, subject to the guidelines
18 as provided by law.

19 (b) Overseas Filipino Resource Centers. - The services available to
20 overseas Filipinos as provided for by Republic Act No. 8042 shall also be
21 extended to trafficked persons regardless of their immigration status in
22 the host country.

23 (c) The Country Team Approach. - The country team approach under
24 Executive Order No. 74 of 1993, shall be the operational scheme under
25 which Philippine embassies abroad shall provide protection to trafficked
26 persons insofar as the promotion of their welfare, dignity and
27 fundamental rights are concerned.

28 **(D) RECOVERY AND REINTEGRATION PROGRAM FOR**
29 **TRAFFICKED PERSONS (RRPTP). – THE DSWD SHALL**

1 **IMPLEMENT A RECOVERY AND REINTEGRATION PROGRAM**
2 **FOR TRAFFICKED PERSONS, WHICH INCLUDES A**
3 **COMPREHENSIVE PACKAGE OF SERVICES FOR INDIVIDUAL**
4 **VICTIM-SURVIVORS OF TRAFFICKING IN PERSONS, FOR THE**
5 **IMMEDIATE FAMILY, AND FOR THE COMMUNITY AT**
6 **LARGE. THE RRPTP MUST INCLUDE THE FOLLOWING MAJOR**
7 **PROGRAM COMPONENTS:**

- 8 **(1) CAPABILITY ENHANCEMENT FOR SERVICE PROVIDERS;**
9 **(2) DIRECT SERVICES TO TRAFFICKED PERSONS, WHICH**
10 **SHALL COVER COSTS FOR AUXILIARY SERVICES TO**
11 **VICTIMS/WITNESSES, WHICH INCLUDES**
12 **TRANSPORTATION, BOARD AND LODGING,**
13 **DOCUMENTATION AND OTHER INCIDENTAL EXPENSES;**
14 **(3) UPGRADE OF TEMPORARY SHELTERS;**
15 **(4) IMPLEMENTATION OF THE NATIONAL REFERRAL**
16 **SYSTEM AND UPDATING AND MAINTENANCE OF THE**
17 **NATIONAL RECOVERY AND REINTEGRATION DATABASE;**
18 **AND**
19 **(5) ADVOCACY.**

20 **Sec. 18.** Section 26-A of Republic Act No. 9208 as amended, is hereby
21 amended to read as follows:

22 "SEC. 26-A. *Extra-Territorial Jurisdiction.* – The State shall exercise jurisdiction
23 over any act defined and penalized under this Act, even if committed outside
24 the Philippines and whether or not such act or acts constitute an offense at the
25 place of commission, **IF** the [~~crime~~] **OFFENSE**, being a continuing offense,
26 [~~having been~~] **WAS EITHER** commenced in the Philippines; [~~and other~~
27 ~~elements having been~~] **OR** committed in another country, [~~if~~] **PROVIDED,**
28 **THAT IN THE CASE OF THE LATTER,** the suspect or accused:

29 "(a) Is a Filipino citizen; or

1 "(b) Is a permanent resident of the Philippines; or

2 "(c) Has committed the act against a citizen of the Philippines.

3 No prosecution may be commenced against a person under this section if a
4 foreign government, in accordance with jurisdiction recognized by the
5 Philippines, has prosecuted or is prosecuting such person for the conduct
6 constituting such offense, except upon the approval of the Secretary of Justice.

7 The government may surrender or extradite persons accused of trafficking in
8 the Philippines to the appropriate international court if any, or to another State
9 pursuant to the applicable extradition laws and treaties.

10 **Sec. 19.** Section 32, or the Repealing Clause, is hereby amended to read as
11 follows:

12 **"SECTION 32.** Repealing Clause. – Article 202 of the Revised Penal
13 Code, as amended **BY REPUBLIC ACT NO. 10158, IS DEEMED**
14 **REPEALED.** All laws, acts, presidential decrees, executive orders,
15 administrative orders, rules and regulations inconsistent with or contrary
16 to the provisions of this Act are deemed amended, modified, or repealed
17 accordingly: *Provided*, that this Act shall not in any way amend or repeal
18 the provisions of Republic Act No. 7610, otherwise known as the 'Special
19 Protection of Children Against Child Abuse, Exploitation and
20 Discrimination Act'."

21 **Sec. 20.** *Effectivity.* – This Act shall take effect fifteen (15) days after
22 publication in the Official Gazette or in at least two (2) newspapers of general
23 circulation.

24 Approved,