

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
First Regular Session

House Bill No. 000 258

Introduced by HON. PRYDE HENRY A. TEVES

AN ACT AMENDING SECTION 7 OF THE REPUBLIC ACT 9208 DISCLOSING THE
NAME AND PERSONAL CIRCUMSTANCES OF THE ACCUSED IN A PENDING
INVESTIGATION REGARDING HUMAN TRAFFICKING

EXPLANATORY NOTE

The state has the utmost responsibility to promote human dignity, protect the people from any threat of violence and mistreatment, and tone down burdens for involuntary migration and servitude of persons, not only to support trafficked persons but more significantly, to guarantee their resurgence, treatment and reintegration into the mainstream of society.

The "Republic Act 9208" also called as the "Anti-Trafficking in Persons Act of 2003" is an undertaking that seeks to establish effective policies that will eliminate or somehow alleviate the incessant exacerbation of human trafficking cases in our country. It aims to abolish and punish human trafficking by implementing institutional mechanisms for the protection and support of trafficked persons. However, a part of the aforementioned act is subject for contention and in by some means is contradicting with its earnest purpose and intention.

Sec. 7 of the Republic Act 9208 provides that at any stage of the investigation, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person

and the accused. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding; and after considering all circumstances for the best interest of the parties order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or of the accused, or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public.

In cases when prosecution or trial is conducted behind closed-doors, it shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or information technology to cause publicly of any case of trafficking in persons.

The aforesaid provision of the law clearly expresses that the name and personal circumstances of the accused shall not be disclosed whenever it is essential to ensure a sense of parity during the course of the trial. While it is true that everyone should recognize the right to privacy of the trafficked persons, it does not necessarily mean that neither the personality nor the identity of the person being accused as responsible for the felonious act shall also be held as confidential or private.

This bill aims to ensure that the public shall be highly informed and warned among persons who are convicted or accused in a pending case for human trafficking. Restricting the public from having to know the personal identity of the accused clearly opposes the strong purpose of the given act i.e. to promote human dignity, protect the people from any threat of violence and mistreatment, and tone down burdens for involuntary migration and servitude of persons. With the aid of this amendment, the safety and welfare of the people will be put into assurance.

For this reason, passage of this bill is earnestly sought.


PRYDE HENRY TEVES

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FIFTEENTH CONGRESS
First Regular Session

House Bill No. 0000 258

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DISCLOSING THE NAME AND PERSONAL CIRCUMSTANCES OF THE
ACCUSED IN A PENDING INVESTIGATION REGARDING HUMAN
TRAFFICKING

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

Section 1. Section 7 of Republic Act 9208, also known as Anti-Trafficking in Persons Act of
2003 is hereby amended to read as follows:

Sec. 7 Confidentiality. - provides that at any stage of the investigation,
prosecution and trial of an offense under this Act, law enforcement officers,
prosecutors, judges, court personnel and medical practitioners, as well as parties
to the case, shall recognize the right to privacy of the trafficked person. Towards
this end, law enforcement officers, prosecutors and judges to whom the complaint
has been referred may, whenever necessary to ensure a fair and impartial
proceeding; and after considering all circumstances for the best interest of the
parties order a closed-door investigation, prosecution or trial. *However, the name*

and personal circumstances of the accused shall be made known to the public not subject to any exemption or condition for public safety and information.

In cases when prosecution or trial is conducted behind closed-doors, it shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or information technology to cause publicly of any case of trafficking in persons *except for the name and personal circumstance of the accused.*

Section 2. Repealing Clause – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, administrative memorandum, rule or regulation contrary to or inconsistent with the provisions of this Acts hereby repealed, modified or amended accordingly.

Section 3. Effectivity Clause – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,