

HOUSE OF REPRESENTATIVES

House Bill No. 1705

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

Republic Act 9208, otherwise known as the "Anti-Human Trafficking Act", was enacted in 2003 to eliminate threats of trafficking in persons. It aims to promote human dignity by protecting the people from any threat of violence and exploitation, eliminating trafficking in persons, and mitigating pressures for involuntary migration and servitude of persons. It also supports trafficked persons by ensuring their recovery, rehabilitation and reintegration into the mainstream of society.

Sadly, even with the enactment of the law, the proliferation of human trafficking acts and practices have continued since then. Expert reports even yield that international and local syndicates are in collusion with government officials to facilitate the ingress and egress of trafficking victims from the country. Some government officials, though not taking an active part in the trafficking of humans, are complicit to these trafficking activities.

To finally put a stop on these trafficking activities by government officials and in line with Constitutional mandate on accountability of officers as enshrined in Article XI, Section 1 of the 1987 Constitution, which quoted in part: "Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives," this bill proposes stiffer penalties for government officials or employees involved in human trafficking.

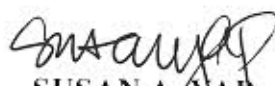
Specifically, this bill seeks the imposition of higher penalties (i.e. increase in the term of imprisonment from 20 to 25 years), in cases where an official or employee of the government would be committing acts of trafficking in persons such as recruitment, transport, harboring, or sale of persons, within or across national borders, for the purpose of exploiting for labor, prostitution, domestic servitude, bonded sweatshop labor, or other kinds of work and slavery-like practices, or organ removal and sale (Section 4 of RA 9208).

The bill likewise seeks stiffer penalties (i.e. increase in the term of imprisonment from 15 to 20 years) for government officials or employees who shall commit acts that promote trafficking such as lease or sublease, use or allowing to be used of any establishment; production or distribution of unissued or tampered required pre-departure documents; advertisement, publication and distribution of any brochure or propaganda material; assistance in the conduct of misrepresentation or fraud in acquiring clearances and necessary exit documents from government agencies; facilitation or assistance in the exit and entry of persons with unissued, tampered, or fraudulent travel documents; confiscating, concealment, or destroying passport, travel documents, or personal documents

or belongings of trafficked persons; and knowingly benefiting from, financial or otherwise, or making use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery (Section 5 of RA 9208).

And finally, the bill seeks stiffer penalties (i.e. increase in the term of imprisonment from six to ten years) for acts constituting violation of the confidentiality provisions in Section 7 of RA 9208.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



SUSAN A. YAP
Representative, 2nd District of Tarlac

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AN ACT

AMENDING SECTION 10 OF REPUBLIC ACT 9208 OTHERWISE KNOWN AS THE
ANTI-TRAFFICKING IN PERSONS ACT OF 2003

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

SECTION 1. Section 10 (a), (b), and (d) of Republic Act 9208, otherwise known as the Anti-
Trafficking in Persons Act of 2003, is hereby amended to read as follows:

"Section 10. *Penalties and Sanctions.* - The following penalties and sanctions are
hereby established for the offenses enumerated in this Act:

(a) Any person found guilty of committing any of the acts enumerated in Section 4 shall
suffer the penalty of imprisonment of twenty (20) years, EXCEPT THAT THE
PENALTY OF IMPRISONMENT SHALL BE TWENTY FIVE (25) YEARS IN CASE
THE OFFENDER IS AN OFFICIAL OR EMPLOYEE OF THE GOVERNMENT and a
fine of not less than One million pesos (P1,000,000.00) but not more than Two
million pesos (P2,000,000.00);

(b) Any person found guilty of committing any of the acts enumerated in Section 5 shall
suffer the penalty of imprisonment of fifteen (15) years, EXCEPT THAT THE PENALTY
OF IMPRISONMENT SHALL BE TWENTY (20) YEARS IN CASE THE OFFENDER
IS AN OFFICIAL OR EMPLOYEE OF THE GOVERNMENT, and a fine of not less
than Five hundred thousand pesos (P500,000.00) but not more than One million pesos
(P1,000,000.00);

(c) xxx

(d) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of
six (6) years, EXCEPT THAT THE PENALTY OF IMPRISONMENT SHALL BE TEN
(10) YEARS IN CASE THE OFFENDER IS AN OFFICIAL OR EMPLOYEE OF THE
GOVERNMENT, and a fine of not less than Five hundred thousand pesos (P500,000.00)
but not more than One million pesos;

(e) xxx

(f) xxx

(g) xxx

(h) xxx

(i) xxx."

SEC. 2. *Separability Clause.* - If any provision or part thereof is held invalid or unconstitutional,
the remainder of the law or the provision not otherwise affected shall
remain valid and subsisting.

1 **SEC. 3. *Repealing Clause.*** - All laws, presidential decree or issuance, executive orders, letter of
2 instruction, administrative order, rule and regulation contrary to, or inconsistent with the
3 provisions of this Act are hereby repealed, modified, or amended accordingly.

4
5 **SEC. 4. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days from the date of its
6 publication in at least two (2) newspapers of general circulation, whichever is earlier.

Approved,