

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **4934**

Introduced by Representatives EMMI A. DE JESUS, LUZVIMINDA C. ILAGAN,
TEDDY CASIÑO, NERI COLMENARES, RAFAEL MARIANO,
RAYMOND PALATINO and ANTONIO TINIO

EXPLANATORY NOTE

Majority of prostituted Filipino women, are young or under 20 years of age, originate from the provinces, and are from poor families. A large number of them are likely to be victims of sexual abuse several times during raids on suspected prostitution dens. Prostituted women are arrested, jailed and fined for prostitution. On the other hand, owners and managers of establishments as well as their customers are left off the hook.

Prostituted women and prostitution are commonly viewed in the Philippines as one and the same. They are commonly considered as social problems, inimical to society's morality and decency. The government uses both moral condemnation and legal sanctions to "flush them out", for prostitutes are seen as the ultimate "evil" expression of prostitution. They are the most prominent and convenient targets of moral outrage and legal sanctions. Thus, when prostitution is mentioned, the focus is immediately on women and children who personally provide sexual services; the assumption is that women in prostitution "seduce" men and thus represent or personify the root of the problem. This view reveals no understanding of prostitution as a system and of prostitutes as individuals caught up in and victimized by that system.

The common understanding of prostitution is that it involves the sale of sexual services by women and children. This does not however, consider that in prostitution, the major players are mostly men while women and children assume the functional role of objects of delivery of sexual services and that there is intended profit. Prostitution is a system whereby women's and children's bodies and their sexuality are commodified and exploited to satisfy men's sexual needs.

Society sees children in prostitution as victims and quickly condemns those who victimize them. However, it does not have the same view of prostituted women. It mainly sees adult women as free autonomous persons, who enter into individual and private transactions with their customers. It automatically assumes that an adult woman is on equal footing with the other party involved in the transaction and therefore free to set the conditions of that transaction. The unfortunate error behind this view is that it detaches prostitution from the context of capitalist economic relation and the prevailing patriarchal ideology. Both see women's bodies as objects and

their sexuality obtainable, buyable and given to abuse by men. On the other hand, men are allowed to escape responsibility for using women in prostitution.

Prostitution should be likened to the system of slavery. Therefore, those in slave-like situations should not be criminalized based on age or "choice". This adult-child divide becomes particularly anomalous in cases of women brought into prostitution as children.

Prostitution has become a highly organized business with its own system of recruitment and trade which ensures the systematic and unhampered flow of products and profits. Its entrepreneurs, through pornography, offer women and children to the male market and create a continuous demand for sexual services.

The promotion of tourism with sex as an essential feature perpetuates prostitution. The promotion by government of overseas jobs as a viable option for Filipino workers also creates a favourable climate for prostitution. It provides a fertile ground for illegal and deceptive recruiters in the migration process.

Existing Philippine laws do not define "prostitution", only "prostitutes". Article 202 (5) of the Revised Penal Code identifies "prostitutes" as "women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct." BEING A PROSTITUTE IS A CRIME UNDER THE REVISED PENAL CODE. Article 202 also holds criminally liable "any idle or dissolute person who lodges in houses of ill-fame, ruffians, or pimps or those who habitually associate with prostitutes." But men who go to clubs, bars and other similar establishments hardly qualify as "idle" or "dissolute".

Other than Article 202, the other provision that deals directly with prostitution is Article 341 of the Revised Penal Code on white slavery. It penalizes "any person who, in a manner, or under any pretext, shall engage in the business or shall profit by prostitution or shall enlist the services of any other person for the purpose of prostitution." The reality, however, is while society penalizes, stigmatizes and ostracizes women in prostitution; it never even questions why men demand and pay for sex. In addition, the criminal liability of individuals engaged in the business of prostitution under Article 341 of the Revised Penal Code is hardly enforced. Thus, businesses related to prostitution continue to thrive.

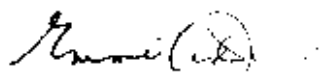
Prostitution is a serious form of human rights violation. Women in prostitution do not profit from prostitution. Even with the long hours of providing sexual service and the number of men they service, their earnings are meager. A big percentage of their earnings go to bar owners and pimps.

Women in prostitution are alone, unprotected and not respected. They are stigmatized by society, criminalized by the law and exploited in the sex trade. They are in constant fear. They experience abuse and violence from their customers, bars and club owners and pimps. Women in prostitution are vulnerable to the risks of diseases such as STD's and HIV/Aids. In fact, fear of such diseases is one factor why men give high premiere to young and 'fresh' prostituted children and women. The latter suffer from extreme discrimination and are considered unworthy and undeserving of respect, care and any form of social assistance and legal protection. Basic rights are denied them and worse, are oftentimes violated by the police and the legal system.

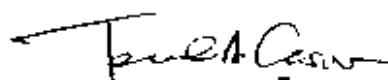
Women in prostitution are powerless. In most cases, prostitutes are not involved in the transaction. It is often between a pimp, club or brothel owner and the customer; the prostitute becomes part of the transaction only because she will implement the terms of the transaction. In some cases, payment is given to the pimp. In most cases, the pimp cheats the prostitute of the actual monetary value that she was promised.

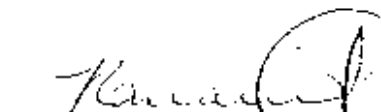
Prostitution must be approached in its entirety. Both the structural mechanism and ideological Justification which uphold it must be addressed. The government should first and foremost address the factors in general that perpetuate prostitution and ensure an environment that will eradicate prostitution in the long term. In the meantime, it must address the contradiction in policies which, in effect, reinforce the system of prostitution. The adult-child divide must be removed and women and children in prostitution must not be treated as criminals and as outcasts in society. Legal efforts should be directed against establishments, pimps and male customers and all others who profit from the business of prostitution. Policies and programs that will address the problems of women in prostitution and that will protect them must be developed. Those who control, perpetuate, and benefit from the business of prostitution must be penalized,

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


REP. EMMI A. DE JESUS
Gabriela Women's Party

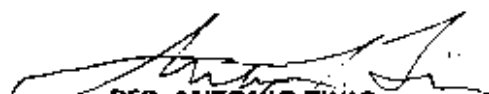

REP. LUZMINDA C. ILAGAN
Gabriela Women's Party


REP. TEDDY CASIÑO
Bayan Muna Partylist


REP. RAFAEL MARIANO
Anakpawis Partylist


REP. NERI COLMENARES
Bayan Muna Partylist


REP. RAYMOND PALATINO
Kabataan Partylist


REP. ANTONIO TINIO
ACT Teachers Partylist

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **4934**

Introduced by Representatives EMMI A. DE JESUS, LUZVIMINDA C. ILAGAN,
TEDDY CASIÑO, NERI COLMENARES, RAFAEL MARIANO,
RAYMOND PALATINO and ANTONIO TINIO

AN ACT REPEALING ARTICLES 202 AND 341 OF THE REVISED PENAL CODE
AND INSTITUTING A SYSTEM OF PROTECTION FOR VICTIMS OF PROSTITUTION AND FOR OTHER
PURPOSES

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

SECTION 1. Short Title- This Act shall be known as "The Anti-Prostitution Act of 2011"

SECTION 2. Declaration of Policies- The State:

- (a) declares its commitments to end the continuing sexual exploitation of women and children and all forms of gender-based violence by comprehensively addressing the factors that perpetuate sexual exploitation;
- (b) recognizes prostitution as a human rights violation which calls for coordinated and sustained response from all agencies and at all levels of government;
- (c) recognizes that women and children are victimized by the system of prostitution and must therefore be given protection and support by the State, instead of being treated as criminals;
- (d) recognizes that eliminating prostitution requires the abolition of the patriarchal ideology that perpetuates the view of women as objects for commodification and the restructuring of the exploitative capitalist system that economically and politically marginalizes majority of Filipinos; and
- (e) recognizes international commitments, particularly, the Universal Declaration on Human Rights, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, Convention Against Transnational Organized Crime including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other international human rights instruments of which the

Philippines is a party, declaring its commitment to end the continuing sexual exploitation of women, men, and children and all forms of gender-based violence by creating an enabling environment where the human rights of women and children are observed, protected, and fulfilled.

SECTION 3. *Definition of Terms* - The following terms are defined for purposes of this Act:

- (a) **Prostitution**- any act, transaction, scheme or design involving the use of a person by another, whether through the performance of such act or mere demonstration thereof, for sexual intercourse, lascivious conduct or for sexual gratification in exchange for money or checks profit or any other consideration, or any act that promotes or facilitates the accomplishment of the said act, transaction, scheme or design.
- (b) **Person exploited in prostitution**- refers to a woman, man or child used, exploited or employed for another person's sexual gratification, pleasure or exploitation and for the monetary gain or profit of others.
- (c) **Child**- refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect herself/himself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- (d) **Prostitution Den**- refers to any business or enterprise, including but not limited to, sauna, bath, massage parlour, discotheque, bar, restaurant, resort, lodging house, motel, hotel, theatre, ship, vessel, cab or taxi, or any other vehicle, or any dwelling, house, jail, detention centre, structure or building, or any group, association, organization, or services such as escort services, serving as a cover or venue for, or which engages in prostitution activities as defined in Section 4 of this Act.
- (e) **Sexual Act**- refers to sexual intercourse, including genital-to-genital, oral-to-genital, anal-to-genital, or intercourse or contact, insertion of any instrument or object into the genital or anal orifice of any person, bestiality, masturbation, sadistic, or masochistic abuse, exhibition of the genitals or pubic area of any person and other acts presumed to be of sexual nature, whether the same is made between persons of the same or opposite sex.
- (f) **Sexual exploitation**- refers to the practice by which a person is sexually subjugated through abuse or violation, either covert or overt, of a person's sexuality and physical or mental integrity as a result of being subjected to threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of her/his vulnerability as a means of achieving gratification, financial gain, and advancement.
- (g) **Public Officers** – refers to any person who, by direct provision of the law, popular election or appointment by competent authority, shall take part in the performance of public functions in the Government of the Philippine Islands, or shall perform in said Government or in any of its branches public duties as an employee, agent or subordinate official, of any rank or class.

SECTION 4. *Punishable Acts*- Prostitution is a crime committed by:

- (a) **Giving, conveying or delivering money or any other consideration in exchange for the actual performance or mere demonstration of a sexual act by a person exploited in prostitution**, regardless of whether the person giving or delivering money or any other consideration is the recipient of the sexual act; **Provided, however, that for purposes of this section, being a recipient shall include persons or crowds before whom a person exploited in prostitution has actually performed or merely demonstrated the sexual act, provided, further, that the actual**

performance of the acts by the person exploited in prostitution is not a requirement for the offender to be prosecuted under this provision;

- (b) Recruiting, inducing, persuading, enticing, compelling, kidnapping, or in any manner procuring a person for the purposes of exploiting a person in prostitution, or causes a person to work in an establishment knowing that the same is involved in prostitution activities or when she/he has reasonable cause to believe that such establishment is involved in the said activities;
- (c) Recruiting another person purportedly for lawful employment but actually for the purpose of exploiting the person in prostitution;
- (d) Transporting a person or persons from one place to another for purpose of exploiting the person or persons in prostitution
- (e) Organizing or arranging travel, tours, and other tourism-related activities which involve the sexual exploitation of another person as defined in Section 3 (f) of this Act or the escort services of any person who is expected to perform the sexual acts defined in Section 3 (e) of this Act;
- (f) Receiving, giving or agreeing to receive money or anything of value or any other consideration in exchange for or for the purpose of procuring or recruiting, in any manner, a person or persons to be exploited in prostitution;
- (g) Deriving profit or advantage from any of the acts defined in this Section as owner, operator, manager, head, director, office or agent of an establishment where the prostitution activity takes place, or of the establishment serving as a cover or venue for such prostitution activity, or aiding another establishment or person involved in any prostitution activity;
- (h) Any manner or under any pretext advertising, organizing, arranging, managing, promoting or facilitating the commission of any of the acts prohibited under this section;
- (i) Using, enticing, recruiting, or offering another person as part of a cult or religious obligations as sexual offering or favour to other members of the cult or religious organization;
- (j) Using information technology such as cyberspace, satellite, television, or any other form of media to promote or any of the acts defined in this Section;
- (k) Committing, causing, promoting, facilitating, allowing, or tolerating the commission of any of the acts defined in this Section or, in any manner, providing protection to the perpetrators of the said acts of any member of the military or police establishment, or any government official or employee, or any person in authority;
- (l) Leasing, subleasing, or in any other manner allowing the use of any dwelling, house, structure or building knowing that the lessee/sub-lessee intends to use or uses it for prostitution activities as defined in this section, or continues with the lease, sublease or any other arrangement for its use knowing that the place is being used for prostitution. For the purpose of this paragraph, the owner of the dwelling, house, structure, building or land or any other property used for prostitution and his/her agent shall be presumed to have knowledge that the place is being used or intended to be used for prostitution unless he/she disproves it.

For purposes of this Section, it is understood that the prohibited acts of prostitution may be committed in any establishment as defined in Section 3 (d) above or any other place not otherwise mentioned in Section 3 (d). Furthermore, an attempt to commit any acts defined in this section is also prohibited.

SECTION 5. *Committing child prostitution-* Child prostitution is committed by:

- (a) any person who, not being a grandparent, parent, guardian or blood relative of a child, is found alone with the said child inside a room or cubicle of a house, inn, hotel, motel, pension house, apartelle, or any similar establishment, vessel, vehicle or any hidden or secluded area, or under circumstances which would lead a reasonable person to believe that the child is prostituted;
- (b) any establishment providing entertainment or relaxation to the public, including, but not limited to, sauna, bath parlour, massage parlour, discotheque, bar, videoke or sing-a-long establishment, resort, lodging house, motel and hotel, which employs a child; and
- (c) any person receiving services from a child in a sauna parlour or bath, massage clinic, health club or any other similar establishment.

SECTION 6. *Who may commit the prohibited acts.* The acts defined in Section 4 of this Act may be committed by any natural or juridical person, establishment, association, movement, cult, religious group or any organization.

SECTION 7. *Person Exploited in Prostitution as Victims.* Any woman, man or child used or employed for another person's sexual gratification, pleasure or exploitation and for the monetary gain or profit of others, as defined in Section 4 of this Act, shall be treated as victims of prostitution. As such, they shall not incur any criminal liability under this Act, except to the extent referred to under Section 9 (b) hereof.

SECTION 8. *Consent of victim immaterial.* The consent of the person exploited in prostitution to the commission of any of the acts defined in Section 4 of this Act shall not in any way exempt the offender from, or mitigate her/his, criminal liability.

SECTION 9. *Penalties and Sanctions.*

- (a) Any person found guilty of the acts defined in Section 4 shall suffer the penalty of imprisonment of 14 years, 8 months and 1 day to 17 years and 4 months unless the person exploited in prostitution is a child, in which case the penalty shall be imprisonment of 17 years, 4 months and 1 day to 20 years, without prejudice to the filing of other criminal charges under other applicable laws.
- (b) Any person guilty of the acts defined in Section 4 who is also exploited in prostitution or had been exploited in prostitution shall suffer the penalty of imprisonment of 10 years and 1 day to 12 years for the first offense and imprisonment of 12 years and 1 day to 14 years and 8 months for the succeeding violations and a fine of not less than five hundred thousand pesos (PhP 500, 000) but not more than one million pesos (PhP 1 000,000).
- (c) The penalty of imprisonment of 12 years and 1 day to 14 years and 8 months shall be imposed when the offender is an ascendant, parent, guardian, stepparent, collateral relative within the fourth degree of consanguinity or affinity, or exercises parental authority or moral ascendancy over the person exploited in prostitution. This penalty shall apply to any offender who is the legal spouse or common-law spouse of any of the persons aforementioned. If the offended party is a child, the penalty shall be imprisonment of 14 years, 8 months and 1 day to 17 years and 4 months.

- (d) The penalty of life imprisonment and a fine of hundred thousand pesos (PhP 500 000) shall be imposed on the offender who is a member of the police or military establishment, or a government official or employee. In addition, the offender shall be perpetually disqualified from holding any appointive position or from running for any elective position in government.
- (e) The owner and operator or manager, or the directors and officers, of the establishment, corporation, partnership or association found to be engaged in any of the acts defined in Section 4 shall suffer the penalty of imprisonment of 20 years and 1 day to 40 years and a fine of not less than five hundred thousand pesos (PhP 500,000) but not more than one million pesos (PhP 1 ,000,000) each; Provided, however, that if the person exploited in prostitution is a child, the penalty of life imprisonment and a fine of one million pesos (PhP 1,000,000) shall be imposed on the offender.

In addition, the establishment, corporation, partnership or association shall be immediately closed and its registration and/or license to operate shall be revoked, without prejudice to the filing of other charges under other applicable laws.

- (f) Any person found guilty of any of the acts defined in Section 4 and not falling under Sec.9 (a), 9(b), 9(d) and 9(g) shall suffer the penalty of imprisonment of 12 years and 1 day to 20 years and a fine of three hundred thousand pesos (Php 300,000); Provided, however, that if the person exploited in prostitution is a child, the penalty of imprisonment of 12 years and 1 day to 20 years and a fine of five hundred thousand pesos (Php 500,000) shall be imposed; Provided, further, that if the offender is a woman who is exploited or had been exploited in prostitution, she shall suffer the penalty of 6 months and 1 day to 6 years and no fine shall be imposed on her.
- (g) When the offender is a foreigner, he/she shall be deported immediately after service of sentence and permanently barred from entry into the country.
- (h) Any person found guilty of an attempt to commit child prostitution shall suffer the penalty of imprisonment of 6 years and 1 day to 8 years, without prejudice to the filing of other criminal charges under other applicable laws; provided, however, that in cases falling under Section 5, paragraph (b), the owner and operator or manager, or the directors and officers of the establishment shall suffer the penalty of imprisonment of 8 years and 1 day to 10 years and a fine of three thousand (P300,000);

In addition to the penalty of imprisonment and fine, any person who is found guilty of any of the acts provided under Section 4 and 5 of this Act shall undergo a rehabilitation program and community service with the Department of Social Welfare and Development (DSWD) which shall not be shorter than three months nor longer than one year, provided that only first-time offenders shall undergo such rehabilitation and community service program. The DSWD shall submit to the court a report of the rehabilitation and community service of the offender.

Public officers found guilty of an attempt to commit child prostitution shall, in addition to the penalty provided for the same, shall suffer the penalty of temporary absolute disqualification.

SECTION 10. Civil Liability for prostitution. -Persons exploited in prostitution may bring a civil action for damages against the persons allegedly responsible for their exploitation. Such civil action shall be

independent of any criminal proceedings and a preponderance of evidence shall suffice support such action.

SECTION 11. *Applicability of Republic Act No. 7309 and Republic Act No. 6981.* Persons exploited in prostitution shall be covered by the Witness Protection, Security and Benefit Act, or Republic Act No. 6981. They may also file claims with the Board of Claims created under Republic Act 7309. For the purpose of the application of Republic Act No. 7309, persons exploited in prostitution shall be deemed victims of violent crimes under Section 3, paragraph (d) thereof.

SECTION 12. *Responsibilities of government agencies in anti-prostitution efforts.* Local government units shall exercise their powers to curb prostitution within their respective jurisdictions. Their responsibility shall include conducting education and public information campaign against prostitution and to eradicate the negative views attached to women forced into prostitution. Local government units may employ elements of the National Bureau of Investigation or the Philippine National Police as provided for under Republic Act No. 6975, as amended by Republic Act No. 8551.

The national government shall ensure that local government units conscientiously engage in anti-prostitution activities, provide support for the same, and intervene when necessary.

The NBI and PNP shall continuously conduct surveillance and monitor establishments to prevent prostitution. They shall promptly investigate any establishment suspected to be engaged in activities constituting prostitution under Section 4 of this Act and shall take appropriate measures, in coordination with the local government unit concerned and other relevant government agencies, for the speedy prosecution of the offenders.

The Department of Tourism (DOT) shall undertake corrective and enforcement measures to stop activities in tourism constituting, promoting or facilitating prostitution.

SECTION 13. *Liability of local government units.* Provinces, cities and municipalities shall be liable for damages to persons exploited in prostitution when it is proven that the responsible authorities had knowledge or were informed of the activities constituting prostitution but did not take proper action within a reasonable period of time.

The responsible authorities shall be deemed to have knowledge of the prostitution activities when the same are common knowledge in the community.

SECTION 14. *Requirements for hotels, motels and lodging houses.* Notwithstanding any legislation, ordinance or rule to the contrary, every motel or lodging area shall:

- (a) Maintain a reception and registration area for guests and patron that is readily within the public view;
- (b) Strictly require the registration of every guest and patron in the reception and registration area referred to above, and for this purpose keep a registration book at all times;
- (c) Maintain open garages, or those which do not have doors or any closing mechanism;
- (d) Maintain good lightning in all its entrances, exits, driveways and garages.

No hotel, motel or lodging shall be allowed to operate in any part of the Philippines without complying with the preceding requirements.

For the purpose of this Section, hotels, motels and lodging houses already operating shall have six months from the effectivity of this Act to comply with this provision.

SECTION 15. *Human rights of persons exploited in prostitution.* Persons exploited in prostitution have human rights which must be respected, protected and promoted by all branches, agencies and instrumentalities of the government in law enforcement drives, criminal prosecution, civil suits, service provision, and program development and implementation. These rights include, but are not limited to:

- (a) the right to be treated as human beings,
- (b) the right to dignity and security of person,
- (c) the right against any form of discrimination,
- (d) the right to equal protection of the law,
- (e) the right to be protected from abuse and exploitation,
- (f) the right to seek redress for violations of their rights and to have their complaints appropriately addressed,
- (g) the right to fair and humane treatment,
- (h) the right to sensitive and appropriate legal, health, and other social services,
- (i) the right to organize themselves and fight for their legitimate concerns, and
- (j) the right to be consulted on any governmental initiative affecting them

Persons exploited in prostitution shall not be detained on the occasion of or by reason of a raid or in the name of law enforcement. There shall be at least one social worker or one representative from a non-governmental organization known to be working with women exploited in prostitution present during raids.

During raids of establishments, and at any stage of the investigation, prosecution and trial of complaints for violation of this Act, law enforcers, prosecutors and judges, shall not disclose to the public the name, personal circumstances and other information that will establish the identity of the person exploited in prostitution, unless the latter consents thereto in writing.

It shall also be the duty of law enforcers to ensure that persons exploited in prostitution are not exposed to the media on the occasion of a raid. Law enforcers who allow or facilitate the exposure to the media of persons exploited in prostitution shall suffer the penalty of *arresto mayor* in its maximum period, with our prejudice to the filing of other criminal and administrative charges under applicable laws.

Any journalist, reporter, editor, publisher or producer of print and broadcast media who exposes to the public the identity of any person exploited in prostitution without her or his consent thereto in writing, or causes the publication of any picture that violates the dignity and other human rights of the persons exploited in prostitution, shall suffer the penalty of *arresto mayor* in its maximum period. In addition, the owner or publisher of the print or broadcast media found guilty of the violation shall pay a fine of five hundred thousand pesos (PhP 500,000). This shall be without prejudice to the right of persons exploited in prostitution to file a civil action for damages for the violation of their human rights or for any injury caused them by the publication.

SECTION 16. *Entrapment prohibited.* Law enforcers shall not use entrapment as a method in law enforcement activities when the same will involve the sexual exploitation of persons as defined in Section 3 (f) of this Act. A law enforcement officer who resorts to this method shall be punished under Section 4 (a) of this Act.

SECTION 17. *Enforcement of labour laws and regulations.* The Bureau of Working Conditions of the Department of Labour and Employment and its regional, provincial and district offices shall conduct, in coordination with the local government officials and relevant agencies, quarterly monitoring of all establishments to ensure that they comply with the minimum wage law and other laws on labour standards. Quarterly monitoring reports shall be submitted to the chief executives of provinces, cities, and municipalities for their appropriate action. Copies shall also be furnished to the Anti-Prostitution Council created under this Act.

SECTION 18. *The National Anti-Prostitution Council.* There shall be a National Anti Prostitution Council composed of the Department of Social Welfare and Development as lead agency, the National Commission on the Role of Filipino Women, the Department of Labour and Employment, the TESDA, the Department of Health, the Department of Interior and Local Government, the Department of Justice, the National Bureau of Investigation, the Philippine National Police, three (3) non-government organizations (NGOs) selected by NGOs providing support services to victims of prostitution, and three (3) representatives of persons exploited in prostitution. The National Anti-Prostitution Task Force shall perform the following functions,

- (a) Develop a program addressing prostitution and the needs of persons exploited in prostitution and those vulnerable to be exploited in prostitution. The program shall include public information and education campaign against prostitution and on human rights of women in prostitution, crisis intervention services, educational assistance, and socioeconomic assistance such as sustainable livelihood skills training and financial support for small-scale businesses, among others;
- (b) Identify and, if necessary, create centres in strategic places all over the Philippines that will provide health services, including counselling and therapy, temporary shelters and other crisis intervention services to persons exploited in prostitution. The rape crisis centres established under Republic Act No. 8505 and the hospital-based protection units for women and children may also serve as centres servicing persons exploited in prostitution. Each centre shall establish a network of health care and other service providers to address the needs of persons exploited in prostitution;
- (c) Ensure that units are created within relevant government agencies, particularly those composing the Council, that shall focus on addressing prostitution and the needs of persons exploited in prostitution. This shall include units within the National Prosecution Service Offices in local government units that shall specifically focus on the prosecution of offenders under this Act;
- (d) Ensure that relevant government agencies work in close coordination with each other in addressing prostitution and the needs of persons exploited in prostitution;
- (e) Develop and implement a training program for law enforcers, public prosecutors, judges, government lawyers, government health care providers, social workers and barangay officials that aims to increase their understanding of prostitution as a system, and equip

them with the perspective and skills to appropriately address the needs of persons exploited in prostitution, respect, protect and promote their human rights, and pursue the prosecution of offenders;

(f) Ensure that local counterparts of the Task Force are created in every municipality, city and province; and

(g) Promulgate, when necessary, rules and regulations for the effective implementation and enforcement of this Act.

SECTION 19. *Mandatory Services to Victims of Prostitution.* – To ensure healing, recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies, particularly the members of the Anti-Prostitution Council, shall make the following services available to victims of prostitution:

(a) Counselling;

(b) Free legal services which shall include information about the victim's rights, the procedure for filing complaints, claiming compensation and other legal remedies to them;

(c) Emergency shelter or appropriate housing;

(d) Medical or psychological services; and

(e) Livelihood and skills training.

SECTION 20. *Appropriation.* The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following the enactment of this law and every year thereafter.

All local government units are likewise mandated to allot not less than five (5%) percent of their gender and development (GAD) budget and not less than five (5%) percent of the local development fund of local government units (LGUs) for programs, projects and activities aimed to control prostitution activities their jurisdiction.

SECTION 21. *Separability Clause.*-If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

SECTION 22. *Suppletory Application.* The provision of the Revised Penal Code shall have suppletory application to this Act.

SECTION 23. *Repealing Clause.* Articles 202 and 341 of the Revised Penal Code are hereby repealed. All other laws, decrees, executive orders, administrative orders, ordinances and rules inconsistent with or contrary to the provisions of this Act are hereby deemed amended, modified or repealed accordingly.

SECTION 24. *Effectivity Clause.* This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,