

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Second Regular Session

07 JUN 2012
2:30 PM
J. P. Maguila

COMMITTEE REPORT NO. 2255

Submitted by the Committee on Revision of Laws and the Committee on Appropriations on 07 JUN 2012

Re : House Bill No. 6339

Recommending its approval in substitution of House Bill Nos. 258, 1705, 4212 and 4694

Sponsors : Representatives Marlyn L. Primicias-Agabas, Joseph Emilio A. Abaya, Mel Senen S. Sarmiento, Pryde Henry A. Teves, Susan A. Yap and Emmanuel D. Pacquiao

Mr. Speaker:

The Committee on Revision of Laws and the Committee on Appropriations to which were referred House Bill No. 258, introduced by Reps. Pryde Henry A. Teves and Imelda Calixto-Rubiano, entitled :

"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";

House Bill No. 1705, introduced by Reps. Susan A. Yap, Cinchona Cruz-Gonzales, Karlo Alexei B. Nograles and Rachel Marguerite B. Del Mar, Marcelino R. Teodoro and Pedro P. Romualdo, entitled:

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

House Bill No. 4212, introduced by Reps. Emmanuel D. Pacquiao, Walden F. Bello, Erico B. Aumentado, Rodante D. Marcoleta, Linabelle Ruth R. Villarica and Imelda Calixto-Rubiano, entitled:

"AN ACT AMENDING REPUBLIC ACT NO. 9208, ENTITLED "AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED

PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES";

and House Bill No. 4694, introduced by Reps. Mel Senen S. Sarmiento, Maria Isabelle Climaco, Maximo B. Rodriguez, Jr., Rufus B. Rodriguez, Cesar V. Sarmiento, Lorenzo III R. Tañada, Maria Zenaida B. Angping and Imelda Calixto-Rubiano entitled:

"AN ACT AMENDING REPUBLIC ACT 9208, ENTITLED "AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES"

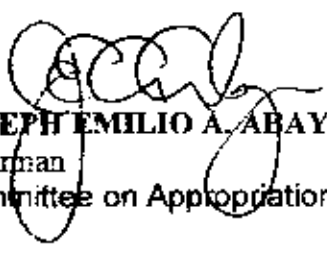
have considered the same and recommend that the attached House Bill No.

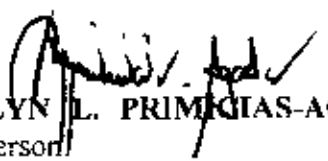
3339 entitled:

"AN ACT EXPANDING REPUBLIC ACT NO. 9208, ENTITLED "AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES"

be approved in substitution of House Bill Nos. 258, 1705, 4212 and 4694 with Reps. Mel Senen S. Sarmiento, Pryde Henry A. Teves, Imelda Calixto-Rubiano, Susan A. Yap, Cinchona Cruz-Gonzales, Emmanuel D. Pacquiao, Walden F. Bello, Maria Isabelle G. Climaco, Maximo B. Rodriguez, Jr., Karlo Alexei B. Nograles, Rachel Marguerite B. Del Mar, Erico B. Aumentado, Rodante D. Marcoleta, Rufus B. Rodriguez, Cesar V. Sarmiento, Marcelino R. Teodoro, Pedro P. Romualdo, Linabelle Ruth R. Villarica, Lorenzo R. Tañada III, Maria Zenaida B. Angping, Mylene J. Garcia-Albano and Marlyn L. Primicias-Agabas as authors thereof.

Respectfully submitted,


JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations


MARLYN L. PRIMICIAS-AGABAS
Chairperson
Committee on Revision of Laws

1 its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women
2 and Children and all other relevant and universally accepted human rights instruments
3 and other international conventions to which the Philippines is a signatory."

4 "Section 3. *Definition of Terms.* - As used in this Act:

5 **(A) [(a)]** *Trafficking in Persons* - refers to: [the recruitment, transportation, transfer
6 or harboring, or receipt of persons with or without the victim's consent or knowledge,
7 within or across national borders by means of threat or use of force, or other forms of
8 coercion, abduction, fraud, deception, abuse of power or of position, taking advantage
9 of the vulnerability of the person, or, the giving or receiving of payments or benefits to
10 achieve the consent of a person having control over another person for the purpose of
11 exploitation which includes at a minimum, the exploitation or the prostitution of others
12 or other forms of sexual exploitation, forced labor or services, slavery, servitude or the
13 removal or sale of organs.

14 The recruitment, transportation, transfer, harboring or receipt of a child for the
15 purpose of exploitation shall also be considered as "trafficking in persons" even if it
16 does not involve any of the means set forth in the preceding paragraph.]

- 17 (1) ANY ACT OF RECRUITING, OBTAINING, HARBORING, MAINTAINING,
18 OFFERING, PROVIDING, TRANSPORTING OR TRANSFERRING ANY
19 NATURAL PERSON WITH OR WITHOUT THE VICTIM'S CONSENT OR
20 KNOWLEDGE, WITHIN OR ACROSS NATIONAL BORDERS,
21 (2) ANY ACT OF INTIMIDATION OR THREAT, USE OF FORCE OR OTHER
22 FORMS OF COERCION, ABDUCTION, FRAUD, DECEPTION, DEBT
23 BONDAGE, ABUSE OF POWER OR OF POSITION OR OF LEGAL
24 PROCESS, TAKING ADVANTAGE OF THE VULNERABILITY OF THE
25 PERSON, OR THE GIVING OR RECEIVING OF PAYMENTS OR BENEFITS
26 TO ACHIEVE THE CONSENT OF A PERSON HAVING CONTROL OVER
27 ANOTHER PERSON,
28 (3) ANY ACT OF EXPLOITATION INCLUDING PROSTITUTION OR OTHER
29 FORMS OF SEXUAL EXPLOITATION, FORCED LABOR OR SERVICES,
30 SLAVERY, INVOLUNTARY SERVITUDE, THE REMOVAL OR SALE OF
31 ORGANS, OR ARMED ACTIVITIES OR PROFITING FROM EXPLOITATION,
32 WHETHER OR NOT THE EXPLOITATION ACTUALLY OCCURS.

1 IF THE TRAFFICKING VICTIM IS A CHILD, ANY ACT UNDER SECTION
2 3(A)(1) COMMITTED FOR ANY OF THE PURPOSES CITED IN SECTION 3(A)(3)
3 SHALL ALSO QUALIFY AS TRAFFICKING IN PERSONS EVEN IF IT DOES NOT
4 INVOLVE ANY OF THE MEANS SET FORTH IN SECTION 3(A)(2), AND WHETHER
5 OR NOT THE OFFENDER KNOWS THAT THE VICTIM IS A CHILD.

6 (B) **OBTAINING** - AS USED IN SECTION 3(A), REFERS TO ACQUIRING IN
7 ANY FORM A NATURAL PERSON OR A NATURAL PERSON'S SERVICES,
8 WHETHER OR NOT BY CONTRACT OR FOR ANY CONSIDERATION, AND
9 INCLUDES ACQUIRING BY RECEIVING, BUYING, HIRING, EMPLOYING, RENTING,
10 ABDUCTING, ADOPTING, OR MARRYING.

11 (C) **HARBORING** - AS USED IN SECTION 3(A), REFERS TO PROVIDING A
12 PLACE TO STAY OR TO SECURE BY LIMITING THE LIBERTY OF ANY PERSON OR
13 ACCESS TO ANY OTHER PERSON.

14 (D) **MAINTAINING** - AS USED IN SECTION 3(A), REFERS TO MAKING
15 AVAILABLE DIRECTLY OR INDIRECTLY MANAGING THE AVAILABILITY OR
16 RECEIPT OR ENJOYMENT OF, NECESSITIES, CONVENIENCES, OR OTHER
17 THINGS OF VALUE, SUCH AS FOOD, DRINK, CLOTHING, SHELTER, BEDDING,
18 RUNNING WATER, MONEY, WORK, OR WORK FACILITIES OR SUPPLIES OF ANY
19 KIND.

20 (E) [b] *Child* - refers to a person below eighteen (18) years of age or one who [is
21 over eighteen (18) but] is unable to fully take care of or protect himself/herself from
22 abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental
23 disability or condition.

24 (F) [c] *Prostitution* - refers to any act, transaction, scheme or design involving the
25 use of a person by another, for sexual intercourse, **SEXUAL GRATIFICATION**, or **ANY**
26 **OTHER** lascivious conduct in exchange for money, profit, or any other consideration
27 **BEING GIVEN BY ANY PERSON TO ANY OTHER PERSON.**

28 (G) [d] *Forced Labor [and Slavery]* - refers to the extraction of work or services
29 from any person by means of enticement, violence, intimidation or threat, use of force or
30 coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-
31 bondage or deception **INCLUDING ANY WORK OR SERVICE EXTRACTED FROM**
32 **ANY OTHER PERSON BY MEANS PROVIDED IN SECTION (3)(A)(2).**

1 (H) INVOLUNTARY SERVITUDE - REFERS TO A CONDITION OF ENFORCED
2 OR COMPULSORY SERVICE INDUCED BY MEANS OF ANY SCHEME, PLAN OR
3 PATTERN, INTENDED TO CAUSE A PERSON TO BELIEVE THAT, IF THE PERSON
4 DID NOT ENTER INTO OR CONTINUE IN SUCH CONDITION, THAT PERSON
5 WOULD SUFFER SERIOUS HARM OR OTHER FORMS OF ABUSE OR PHYSICAL
6 RESTRAINT.

7 (I) SLAVERY - REFERS TO THE EXTRACTION OF WORK OR SERVICES
8 FROM ANY PERSON BY MEANS OF ENTICEMENT, VIOLENCE, INTIMIDATION OR
9 THREAT, USE OF FORCE, OR COERCION, INCLUDING DEPRIVATION OF
10 FREEDOM, ABUSE OF AUTHORITY OR MORAL ASCENDANCY, DEBT-BONDAGE
11 OR DECEPTION.

12 (J) [e] *Sex Tourism* - refers to a program organized by travel and tourism-related
13 establishments and individuals which consists of tourism packages or activities, utilizing
14 and offering escort and sexual services as enticement for tourists. This includes sexual
15 services and practices offered during rest and recreation periods for members of the
16 military.

17 (K) [f] *Sexual Exploitation* - refers to participation by a person in prostitution,
18 PORNOGRAPHY or the production of [pornographic materials as a result of being
19 subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt
20 bondage, fraud or through abuse of a victim's vulnerability] PORNOGRAPHY, IN
21 EXCHANGE FOR MONEY, PROFIT OR ANY OTHER CONSIDERATION OR WHERE
22 THE PARTICIPATION IS CAUSED OR FACILITATED BY ANY MEANS AS STATED
23 IN SECTION 3(A)(2); OR IN SEXUAL INTERCOURSE OR LASCIVIOUS CONDUCT
24 CAUSED OR FACILITATED BY ANY MEANS, LIKEWISE, STATED IN SECTION
25 3(A)(2).

26 (L) [g] *Debt Bondage* - refers to the pledging by the debtor of [his/her] ONE'S
27 personal services or labor or those of a person under [his/her] ONE'S control as security
28 or payment for a debt, when the length and nature of services [is] ARE not clearly
29 defined or when the value of the services as reasonably assessed is not applied toward
30 the liquidation of the debt.

31 (M) [h] *Pornography* - refers to any representation, through publication, exhibition,
32 cinematography, indecent shows, information technology, or by whatever means of a
33 person engaged in real or simulated explicit sexual activities or any representation of the
34 sexual parts of a person for primarily sexual purposes.

1 **(N) [i] Council** - shall mean the inter-Agency Council Against Trafficking created
2 under Section 20 of this Act."

3 "Section 4. Acts **INVOLVING** [of] *Trafficking in Persons*. - It shall be unlawful for
4 any person, natural or juridical, to commit any of the following acts:

5 **(A) TO TRAFFIC IN PERSONS;**

6 **(B) TO TRAFFIC IN PERSONS INDIRECTLY IN ANY OF THE FOLLOWING**
7 **WAYS:**

8 **(1) TO ACT FOR ANY PURPOSE AS STATED IN SECTION 3(A)(3) BY (i)**
9 **DIRECTLY OR INDIRECTLY GETTING ANY OTHER PERSON OR PERSONS,**
10 **WITH OR WITHOUT KNOWLEDGE OF A PURPOSE STATED IN SECTION**
11 **3(A)(3), TO PERFORM ANY ACT STATED IN SECTION 3(A)(1), AND (ii)**
12 **DIRECTLY OR INDIRECTLY GETTING ANY OTHER PERSON OR PERSONS,**
13 **WITH OR WITHOUT KNOWLEDGE OF THE PURPOSE STATED IN SECTION**
14 **3(A)(3), AND TO PERFORM ANY MEANS IN SECTION 3(A)(2) - WHERE THE**
15 **ACT AND THE MEANS CONCERN THE SAME VICTIM; OR**

16 **(2) TO COOPERATE IN THE COMMISSION OF TRAFFICKING IN PERSONS,**
17 **FOR ANY PURPOSE IN SECTION 3(A)(3), BY PERFORMING ANY OTHER**
18 **ACT WITHOUT WHICH THE TRAFFICKING WOULD NOT HAVE BEEN**
19 **ACCOMPLISHED, OR BY DIRECTLY OR INDIRECTLY GETTING ANY OTHER**
20 **PERSON - WHETHER OR NOT THE OTHER PERSON ACTS ALONE - TO**
21 **PERFORM ANY ACT WITHOUT WHICH THE TRAFFICKING WOULD NOT**
22 **HAVE BEEN ACCOMPLISHED.**

23 **(3) TRAFFICKING IN PERSONS, WHETHER DIRECTLY OR INDIRECTLY**
24 **INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING ACTS:**

25 a. To recruit, transport, transfer, harbor, provide, or receive a person by any
26 means, including those done under the pretext of domestic or overseas
27 employment or training or apprenticeship, for the purpose of prostitution,
28 pornography, sexual exploitation, forced labor, slavery, involuntary servitude
29 or debt bondage;

30 x x x

31 x x x

SEC. 3. Sections 5 paragraph (b), 6 paragraph (d), 7 and 8 of Republic Act No. 9208 are hereby amended to read as follows:

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

(a) x x x

(b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers, **OVERSEAS EMPLOYMENT CERTIFICATES OR OTHER [and] certificates** of any government agency which issues these certificates, **DECALS** and [stickers] **SUCH OTHER MARKERS** as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

x x x"

"Section 6. *Qualified Trafficking in Persons.* - [The following] **VIOLATIONS OF SECTION 4 OF THIS ACT [are] SHALL BE** considered as qualified trafficking:

x x x

(d) When the offender is **A SPOUSE**, an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;

x x x

(f) When the offender is a member of the military or law enforcement agencies;
[and]

(g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS);[.]

(H) WHEN THE OFFENDER COMMITS ONE OR MORE VIOLATIONS OF SECTION 4 OVER A PERIOD OF SIXTY (60) OR MORE DAYS, WHETHER THOSE DAYS ARE CONTINUOUS OR NOT; AND

1 **(I) WHEN THE OFFENDER DIRECTS OR THROUGH ANOTHER MANAGES**
2 **THE TRAFFICKING VICTIM IN CARRYING OUT THE EXPLOITATIVE PURPOSE OF**
3 **TRAFFICKING."**

4 *Section 7. *Confidentiality.* - At any stage of the investigation, **RESCUE**,
5 prosecution and trial of an offense under this Act, law enforcement officers, prosecutors,
6 judges, court personnel and medical practitioners, as well as parties to the case, shall
7 **PROTECT [recognize]** the right to privacy of the trafficked person [and the accused].
8 Towards this end, law enforcement officers, prosecutors and judges to whom the
9 complaint has been referred may, whenever necessary to ensure a fair and impartial
10 proceeding, and after considering all circumstances for the best interest of the parties,
11 order a closed-door investigation, prosecution or trial. The name and personal
12 circumstances of the trafficked person [or of the accused], or any other information
13 tending to establish [their identities and such circumstances or information] **THE**
14 **IDENTITY OF THE TRAFFICKED PERSON** shall not be disclosed to the public.

15 [In cases when prosecution or trial is conducted behind closed-doors, it] **IT** shall be
16 unlawful for any editor, publisher, and reporter or columnist in case of printed materials,
17 announcer or producer in case of television and radio, producer and director of a film in
18 case of the movie industry, or any person utilizing tri-media facilities or information
19 technology to cause publicity of [any case of trafficking in persons] **THE NAME AND**
20 **PERSONAL CIRCUMSTANCES OF THE TRAFFICKED PERSON OR ANY OTHER**
21 **INFORMATION TENDING TO ESTABLISH THE IDENTITY OF THE TRAFFICKED**
22 **PERSON, IN ASSOCIATION WITH THE CASE OR WITH BEING VICTIMIZED BY OR**
23 **OTHERWISE INVOLVED IN TRAFFICKING IN PERSONS, UNLESS (i) A COURT,**
24 **WITH DUE CONSIDERATION OF THE CURRENT AND FUTURE WELFARE OF THE**
25 **TRAFFICKED PERSON, ISSUES AN ORDER ALLOWING IT; (ii) THE TRAFFICKED**
26 **PERSON KNOWINGLY AND VOLUNTARILY AGREES, IN A DULY NOTARIZED**
27 **WRITTEN STATEMENT, TO ALLOW IT; OR (iii) SUCH INFORMATION IS**
28 **KNOWINGLY AND VOLUNTARILY PUBLISHED BY THE TRAFFICKED PERSON.**
29 **PROVIDED, THAT IN ALL CIRCUMSTANCES WHEN THE VICTIM IS A MINOR SUCH**
30 **PUBLICATION SHALL BE PROHIBITED."**

31 *Section 8. *INITIATION AND PROSECUTION OF CASES.*

32 **(A) INITIATION OF INVESTIGATION.** - LAW ENFORCEMENT AGENCIES ARE
33 **MANDATED TO IMMEDIATELY INITIATE INVESTIGATION AND COUNTER-**

1 TRAFFICKING-INTELLIGENCE GATHERING UPON RECEIPT OF STATEMENTS OR
2 AFFIDAVIT FROM VICTIMS OF TRAFFICKING, MIGRANT WORKERS, OR THEIR
3 FAMILIES WHO ARE IN POSSESSION OF KNOWLEDGE OR INFORMATION ABOUT
4 TRAFFICKING IN PERSONS CASES.

5 **(B) Prosecution of Cases.** - Any person who has personal knowledge of the
6 commission of any offense under this Act, the trafficked person, the parents, spouse,
7 siblings, children or legal guardian may file a complaint for trafficking.

8 **(C) AFFIDAVIT OF DESISTANCE. – CASES INVOLVING TRAFFICKING IN**
9 **PERSONS SHOULD NOT BE DISMISSED BASED ON THE AFFIDAVIT OF**
10 **DESISTANCE EXECUTED BY THE VICTIMS OR THEIR PARENTS OR LEGAL**
11 **GUARDIANS. PUBLIC AND PRIVATE PROSECUTORS ARE DIRECTED TO OPPOSE**
12 **AND MANIFEST OBJECTIONS TO MOTIONS FOR DISMISSAL.**

13 **ANY ACT INVOLVING THE MEANS PROVIDED IN SECTION 3(A)(2) OR ANY**
14 **ATTEMPT THEREOF FOR THE PURPOSE OF SECURING AN AFFIDAVIT OF**
15 **DESISTANCE FROM THE COMPLAINANT SHALL BE PUNISHABLE UNDER THIS**
16 **ACT."**

17
18 SEC. 4. Sections 10, 11 and 12 of Republic Act No. 9208 are hereby amended to read as
19 follows:

20 **"Section 10. Penalties and Sanctions.** - The following penalties and sanctions are
21 hereby established for the offenses enumerated in this Act **PROVIDED THAT THE**
22 **PROBATION LAW (PRESIDENTIAL DECREE NO. 968) SHALL NOT APPLY:**

23 **[(a) Any person found guilty of committing any of the acts enumerated in Section 4**
24 **shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than**
25 **One million pesos (P1,000,000.00) but not more than Two million pesos**
26 **(P2,000,000.00);**

27 **(b) Any person found guilty of committing any of the acts enumerated in Section 5**
28 **shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than**
29 **Five hundred thousand pesos (P500,000.00) but not more than One million pesos**
30 **(P1,000,000.00);**

1 (c) Any person found guilty of qualified trafficking under Section 6 shall suffer the
2 penalty of life imprisonment and a fine of not less than Two million pesos
3 (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

4 (d) Any person who violates Section 7 hereof shall suffer the penalty of
5 imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos
6 (P500,000.00) but not more than One million pesos (P1,000,000.00);]

7 (A) ANY PERSON FOUND GUILTY OF VIOLATING SECTION 4 SHALL
8 SUFFER, FOR EACH VIOLATION, THE PENALTY OF *RECLUSION TEMPORAL* IN
9 ITS MAXIMUM PERIOD TO *RECLUSION PERPETUA* AND A FINE OF NOT LESS
10 THAN ONE MILLION PESOS (P1,000,000.00) BUT NOT MORE THAN TWO MILLION
11 PESOS (P2,000,000.00) : - PROVIDED THAT, WHEN THE VIOLATION IS
12 CONSIDERED QUALIFIED TRAFFICKING UNDER SECTION 6, THE PERSON
13 SHALL SUFFER, FOR EACH QUALIFIED OFFENSE, THE PENALTY OF *RECLUSION*
14 *PERPETUA* AND A FINE OF NOT LESS THAN TWO MILLION PESOS
15 (P2,000,000.00) BUT NOT MORE THAN FIVE MILLION PESOS (P5,000,000.00);

16 (B) ANY PERSON FOUND GUILTY OF VIOLATING SECTION 4-A, 4-B OR 4-C
17 SHALL BE PENALIZED ACCORDING TO THE REVISED PENAL CODE FOR THE
18 APPROPRIATE OFFENSE: PROVIDED, THAT THE FINE FOR ANY ACT
19 DESCRIBED IN SECTION 4-A, 4-B OR 4-C SHALL NOT BE LESS THAN FIVE
20 HUNDRED THOUSAND PESOS (P500,000.00) BUT SHALL NOT BE MORE THAN
21 ONE MILLION PESOS (P1,000,000.00);

22 (C) ANY PERSON FOUND GUILTY OF VIOLATING SECTION 5 SHALL
23 SUFFER THE PENALTY OF *RECLUSION TEMPORAL* IN ITS MINIMUM TO MEDIUM
24 PERIOD AND A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS
25 (P500,000.00) BUT NOT MORE THAN ONE MILLION PESOS (P1,000,000.00);

26 (D) ANY PERSON FOUND GUILTY OF VIOLATING SECTION 7 SHALL
27 SUFFER FOR EACH VIOLATION, THE PENALTY OF *ARRESTO MAYOR* TO
28 *PRISIÓN CORRECCIONAL* IN ITS MINIMUM PERIOD AND A FINE OF NOT LESS
29 THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE THAN
30 THREE HUNDRED THOUSAND PESOS (P300,000.00);

31 (E) ANY PERSON FOUND GUILTY OF VIOLATING THE ACT PUNISHABLE
32 UNDER SECTION 8(C) FOR THE PURPOSE OF SECURING AN AFFIDAVIT OF

1 **DESISTANCE SHALL BE PENALIZED AS WOULD AN ACCESSORY TO THE**
2 **OFFENSE OR OFFENSES CHARGED IN THE COMPLAINT;**

3 **(F) ANY PUBLIC OFFICIAL FOUND TO HAVE VIOLATED THIS ACT SHALL BE**
4 **DISMISSED FROM SERVICE AND SHALL SUFFER PERPETUAL ABSOLUTE**
5 **DISQUALIFICATION TO HOLD PUBLIC OFFICE, IN ADDITION TO IMPRISONMENT**
6 **OR A FINE THAT MAY BE IMPOSED PURSUANT TO THE PROVISIONS OF THIS**
7 **ACT;**

8 **(G) [(e)]** If the offender is a corporation, partnership, association, club,
9 establishment or any juridical person, the penalty shall be imposed upon the owner,
10 president, partner, manager, and/or any responsible officer who participated in the
11 commission of the crime or who shall have knowingly permitted or failed to prevent its
12 commission;

13 **[(f)] IN ADDITION, [The] THE** registration with the Securities and Exchange
14 Commission (SEC) and license to operate of the erring agency, corporation, association,
15 religious group, tour or travel agent, club or establishment, or any place of entertainment
16 shall be cancelled and revoked permanently. The owner, president, partner or manager
17 thereof shall not be allowed to operate similar establishments in a different name;

18 **(H) [(g)]** If the offender is a foreigner, **he] ANY FOREIGNER FOUND TO HAVE**
19 **VIOLATED THIS ACT** shall be immediately deported after serving **[his]** sentence and
20 **SHALL** be barred permanently from entering the country;

21 **(I) [(h)]** Any employee or official of government agencies who shall issue or
22 approve the issuance of travel exit clearances, passports, registration certificates,
23 counseling certificates, marriage license, and other similar documents to persons,
24 whether juridical or natural, recruitment agencies, establishments or other individuals or
25 groups, who fail to observe the prescribed procedures and the requirement as provided
26 for by laws, rules and regulations, shall be held administratively liable, without prejudice
27 to criminal liability under this Act. The concerned government official or employee shall,
28 upon conviction, be dismissed from the service and be barred permanently to hold public
29 office[. His/her] **AND SHALL FOREFEIT** retirement and other benefits **[shall likewise be**
30 **forfeited.]** and

31 **(J) [(i)]** Conviction by final judgment of **[the] AN** adopter for any offense under this
32 Act shall result in the immediate rescission of the decree of adoption."
33

1 *Section 11. *Use of Trafficked Persons.* - Any person who buys or engages the
2 services of A trafficked person[s] for prostitution shall be penalized [as follows.] **WITH**
3 **THE FOLLOWING, PROVIDED, THAT THE PROBATION LAW (PRESIDENTIAL**
4 **DECREE NO. 968) SHALL NOT APPLY:**

5 [(a) First offense - six (6) months of community service as may be determined by
6 the court and a fine of Fifty thousand pesos (P50,000.00); and

7 (b) Second and subsequent offenses - imprisonment of one (1) year and a fine of
8 One hundred thousand pesos (P100,000.00).]

9 **(A) PRISIÓN CORRECCIONAL IN ITS MAXIMUM PERIOD TO PRISION MAYOR**
10 **AND A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT**
11 **MORE THAN ONE HUNDRED THOUSAND PESOS (P100,000.00), PROVIDED**
12 **HOWEVER THAT THE FOLLOWING ACTS SHALL BE EXEMPTED THERETO:**

13 **(1) IF AN OFFENSE UNDER PARAGRAPH (A) INVOLVES SEXUAL**
14 **INTERCOURSE OR LASCIVIOUS CONDUCT WITH A CHILD, THE PENALTY**
15 **SHALL BE RECLUSION TEMPORAL IN ITS MEDIUM PERIOD TO**
16 **RECLUSION PERPETUA AND A FINE OF NOT LESS THAN FIVE HUNDRED**
17 **THOUSAND PESOS (P500,000.00) BUT NOT MORE THAN ONE MILLION**
18 **PESOS (P1,000,000.00);**

19 **(2) IF AN OFFENSE UNDER PARAGRAPH (A) INVOLVES CARNAL**
20 **KNOWLEDGE OF, OR SEXUAL INTERCOURSE WITH, A MALE OR**
21 **FEMALE TRAFFICKING VICTIM AND ALSO INVOLVES THE USE OF**
22 **FORCE OR INTIMIDATION, TO A VICTIM DEPRIVED OF REASON OR TO**
23 **AN UNCONSCIOUS VICTIM, OR A VICTIM UNDER TWELVE YEARS OF**
24 **AGE, INSTEAD OF THE PENALTY PRESCRIBED IN THE SUBPARAGRAPH**
25 **ABOVE THE PENALTY SHALL BE A FINE OF NOT LESS THAN ONE**
26 **MILLION PESOS (P1,000,000.00) BUT NOT MORE THAN FIVE MILLION**
27 **PESOS (P5,000,000.00) AND IMPRISONMENT OF RECLUSION PERPETUA**
28 **WITH NO POSSIBILITY OF PAROLE; EXCEPT THAT IF A PERSON**
29 **VIOLATING PARAGRAPH (A) OF THIS SECTION KNOWS THAT THE**
30 **PERSON THAT PROVIDE PROSTITUTION SERVICES IS IN FACT A VICTIM**
31 **OF TRAFFICKING, THE OFFENDER SHALL NOT BE LIKEWISE PENALIZED**
32 **UNDER THIS SECTION BUT UNDER SECTION 10 AS A PERSON**
33 **VIOLATING SECTION 4; AND IF IN COMMITTING SUCH AN OFFENSE THE**
34 **OFFENDER ALSO KNOWS A QUALIFYING CIRCUMSTANCE FOR**
35 **TRAFFICKING, THE OFFENDER SHALL BE PENALIZED UNDER SECTION**

1 10 FOR QUALIFIED TRAFFICKING. IF IN VIOLATING THIS SECTION THE
2 OFFENDER ALSO VIOLATES SECTION 4, THE OFFENDER SHALL BE
3 PENALIZED UNDER SECTION 10 FOR SECTION 4 TRAFFICKING
4 VIOLATION AND, IF APPLICABLE, FOR QUALIFIED TRAFFICKING
5 INSTEAD OF UNDER THIS SECTION.

6 (C) **DEPORTATION.** - IF A FOREIGNER COMMITS ANY OFFENSE
7 DESCRIBED BY PARAGRAPH (A) OR (B) OF THIS SECTION OR VIOLATES
8 PARAGRAPH (C) OF THIS SECTION AS AN ACCOMPLICE OR ACCESSORY TO,
9 OR BY ATTEMPTING, ANY SUCH OFFENSE, HE SHALL BE IMMEDIATELY
10 DEPORTED AFTER SERVING HIS SENTENCE AND BE BARRED PERMANENTLY
11 FROM ENTERING THE COUNTRY.

12 (D) **PUBLIC OFFICIAL.** - IF THE OFFENDER IS A PUBLIC OFFICIAL, HE
13 SHALL BE DISMISSED FROM SERVICE AND SHALL SUFFER PERPETUAL
14 ABSOLUTE DISQUALIFICATION TO HOLD PUBLIC OFFICE, IN ADDITION TO ANY
15 IMPRISONMENT OR FINE RECEIVED PURSUANT TO ANY OTHER PROVISION OF
16 THIS ACT."

17 "Section 12. *Prescriptive Period.* - Trafficking cases under this Act shall prescribe
18 in ten (10) years: *Provided, however,* That trafficking cases committed by a syndicate or
19 in a large scale as defined under Section 6, **OR AGAINST A CHILD**, shall prescribe in
20 twenty (20) years.

21 The prescriptive period shall commence to run from the day on which the trafficked
22 person is delivered or released from the conditions of bondage, **OR IN THE CASE OF A**
23 **CHILD VICTIM, FROM THE DAY THE CHILD REACHES THE AGE OF MAJORITY,**
24 and shall be interrupted by the filing of the complaint or information and shall commence
25 to run again when [such] THE proceedings terminate without the accused being
26 convicted or acquitted or are unjustifiably stopped for any reason not imputable to the
27 accused."

28 SEC. 5. Section 16 of Republic Act No. 9208 is hereby amended and a new Section 16-A is
29 inserted to read as follows:

30 "Section 16. *Programs that Address Trafficking in Persons.* - The government shall
31 establish and implement preventive, protective and rehabilitative programs for trafficked

persons. For this purpose, the following agencies are hereby mandated to implement the following programs:

(a) Department of Foreign Affairs (DFA) - shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs. **IT SHALL PROVIDE FILIPINO VICTIMS OF TRAFFICKING OVERSEAS WITH FREE LEGAL ASSISTANCE AND COUNSEL TO PURSUE LEGAL ACTION AGAINST THE TRAFFICKERS, REPRESENT THE INTEREST IN ANY CRIMINAL INVESTIGATION OR PROSECUTION, AND ASSIST IN THE APPLICATION FOR SOCIAL BENEFITS OR REGULAR IMMIGRATION STATUS AS MAY BE ALLOWED OR CONFERRED BY THE HOST COUNTRY.**

The DFA shall take necessary measures for the efficient implementation of the [Machine Readable Passports] **ELECTRONIC PASSPORTING SYSTEM** to protect the integrity of Philippine passports, visas and other travel documents to reduce the incidence of trafficking through the use of fraudulent identification documents.

IN COORDINATION WITH THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) SHALL PROVIDE FREE TEMPORARY SHELTERS AND OTHER SERVICES TO FILIPINO VICTIMS OF TRAFFICKING OVERSEAS THROUGH THE FILIPINOS RESOURCE CENTERS ESTABLISHED OVERSEAS UNDER REPUBLIC ACT NO. 8042, AS AMENDED.

(b) Department of Social Welfare and Development (DSWD) – shall implement rehabilitative and protective programs for trafficked persons. It shall:

- (1.) **P[p]rovide PSYCHOLOGICAL SUPPORT AND counseling [and] TO TRAFFICKED PERSONS;**
- (2.) **PROVIDE FREE temporary shelterS AND FACILITIES FOR THE PROTECTION AND HOUSING OF [to] trafficked persons; [and]**
- (3.) **D[d]evelop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community;**
- (4.) **PROVIDE SAFE AREAS FOR PROCESSING RESCUED VICTIMS;**

- 1 (5.) PROVIDE 24-HOUR HELP LINE FOR CRISIS CALLS; AND
2 (6.) COORDINATE WITH LOCAL LAW ENFORCEMENT ENTITIES,
3 THE DEPARTMENT OF JUSTICE, AND OTHER RELEVANT
4 GOVERNMENT OFFICES.

5 (c) Department of Labor and Employment (DOLE) - shall ensure the strict
6 implementation and compliance with the rules and guidelines relative to the employment
7 of persons locally and overseas. It shall likewise monitor, document and report cases of
8 trafficking in persons involving employers and labor recruiters.

9 (d) Department of Justice (DOJ) - shall ensure the prosecution of persons accused
10 of trafficking and designate and train special prosecutors who shall handle and prosecute
11 cases of trafficking. It shall also establish a mechanism for free legal assistance for
12 trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP)
13 and other NGOs and volunteer groups.

14 (e) [National] PHILIPPINE Commission on [the Role of Filipino] Women
15 [(NCRFW)] PCW shall actively participate and coordinate in the formulation and
16 monitoring of policies addressing the issue of trafficking in persons in coordination with
17 relevant government agencies. It shall likewise advocate for the inclusion of the issue of
18 trafficking in persons in both its local and international advocacy for women's issues.

19 (f) Bureau of Immigration (BI) - shall strictly administer and enforce immigration
20 and alien administration laws. It shall adopt measures for the apprehension of suspected
21 traffickers both at the place of arrival and departure and shall ensure compliance by the
22 Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and
23 counseling requirement as provided for in this Act.

24 (g) Philippine National Police (PNP) AND NATIONAL BUREAU OF
25 INVESTIGATION (NBI) - shall be the primary law enforcement agencies[y] to undertake
26 surveillance, investigation and arrest of individuals or persons suspected to be engaged
27 in trafficking. It shall closely coordinate with various law enforcement agencies to secure
28 concerted efforts for effective investigation and apprehension of suspected traffickers. It
29 shall also establish a system to receive complaints and calls to assist trafficked persons
30 and conduct rescue operations.

1 (h) Philippine Overseas Employment Administration (POEA) - shall implement an
2 effective pre-employment orientation seminars and pre-departure counseling programs
3 to applicants for overseas employment. It shall likewise formulate a system of providing
4 free legal assistance to trafficked persons, **IN COORDINATION WITH THE**
5 **DEPARTMENT OF FOREIGN AFFAIRS.**

6 (i) Department of the Interior and Local Government (DILG) - shall institute a
7 systematic information and prevention campaign **IN COORDINATION WITH OTHER**
8 **AGENCIES OF GOVERNMENT AS PROVIDED FOR IN THIS ACT.** [and likewise
9 maintain a databank for the effective monitoring, documentation and prosecution of
10 cases on trafficking in persons]. **IT SHALL PROVIDE TRAINING PROGRAMS TO**
11 **LOCAL GOVERNMENT UNITS, IN COORDINATION WITH THE COUNCIL, IN**
12 **ENSURING WIDE UNDERSTANDING AND APPLICATION OF THIS ACT AT THE**
13 **LOCAL LEVEL.**

14 (J) **COMMISSION ON FILIPINOS OVERSEAS - SHALL CONDUCT PRE-**
15 **DEPARTURE COUNSELING SERVICES FOR FILIPINOS. IT SHALL DEVELOP A**
16 **SYSTEM FOR ACCREDITATION OF NON-GOVERNMENT ORGANIZATIONS THAT**
17 **MAY BE MOBILIZED FOR PURPOSES OF CONDUCTING THESE SERVICES.**
18 **PURSUANT THERETO, IT SHALL ENSURE THAT THE COUNSELORS**
19 **CONTEMPLATED UNDER THIS ACT SHALL HAVE THE MINIMUM**
20 **QUALIFICATIONS AND TRAINING OF GUIDANCE COUNSELORS AS PROVIDED**
21 **FOR BY LAW.**

22 **IT SHALL LIKEWISE ASSIST IN THE CONDUCT OF INFORMATION**
23 **CAMPAIGNS AGAINST TRAFFICKING IN COORDINATION WITH LOCAL**
24 **GOVERNMENT UNITS, THE PHILIPPINE INFORMATION AGENCY, AND NON-**
25 **GOVERNMENT ORGANIZATIONS.**

26 (K) **[i]** Local government units (LGUs) - shall monitor and document cases of
27 trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of
28 establishments which violate the provisions of this Act and ensure effective prosecution
29 of such cases. They shall also undertake an information campaign against trafficking in
30 persons through the establishment of the Migrants Advisory and Information Network
31 (MAIN) desks in municipalities or provinces in coordination with DILG, Philippine
32 Information Agency (PIA), Commission on Filipinos Overseas (CFO), NGOs and other
33 concerned agencies. They shall encourage and support community based initiatives

1 which address the trafficking in persons.

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

5 **SECTION. 16-A. ANTI-TRAFFICKING IN PERSONS DATABASE. - AN ANTI-**
6 **TRAFFICKING IN PERSONS CENTRAL DATABASE SHALL BE ESTABLISHED BY**
7 **THE INTER-AGENCY COUNCIL AGAINST TRAFFICKING CREATED UNDER**
8 **SECTION 20 OF THIS ACT. THE COUNCIL SHALL SUBMIT A REPORT TO THE**
9 **PRESIDENT OF THE PHILIPPINES AND TO CONGRESS, ON OR BEFORE**
10 **JANUARY 15 OF EVERY YEAR, WITH RESPECT TO THE PRECEEDING YEAR'S**
11 **PROGRAMS AND DATA ON TRAFFICKING-RELATED CASES.**

12 **ALL GOVERNMENT AGENCIES TASKED UNDER THE LAW TO UNDERTAKE**
13 **PROGRAMS AND RENDER ASSISTANCE TO ADDRESS TRAFFICKING IN**
14 **PERSONS SHALL DEVELOP THEIR RESPECTIVE MONITORING AND DATA**
15 **COLLECTION SYSTEMS, AND DATABASES, FOR PURPOSES OF ENSURING**
16 **EFFICIENT COLLECTION AND STORAGE OF DATA ON CASES OF TRAFFICKING**
17 **IN PERSONS HANDLED BY THEIR RESPECTIVE OFFICES. SUCH DATA SHALL BE**
18 **SUBMITTED TO THE COUNCIL FOR INTEGRATION IN A CENTRAL DATABASE**
19 **SYSTEM.**

20 **FOR THIS PURPOSE, THE COUNCIL IS HEREBY TASKED TO ENSURE THE**
21 **HARMONIZATION AND STANDARDIZATION OF DATABASES, INCLUDING**
22 **MINIMUM DATA REQUIREMENTS, DEFINITIONS, REPORTING FORMATS, DATA**
23 **COLLECTION SYSTEMS, AND DATA VERIFICATION SYSTEMS, SUCH**
24 **DATABASES SHALL HAVE, AT THE MINIMUM, THE FOLLOWING INFORMATION:**

- 25 **(1) THE NUMBER OF CASES OF TRAFFICKING IN PERSONS, SORTED**
26 **ACCORDING TO STATUS OF CASES, INCLUDING THE NUMBER OF**
27 **CASES BEING INVESTIGATED, SUBMITTED FOR PROSECUTION,**
28 **DROPPED, AND FILED OR PENDING BEFORE THE COURTS;**
29 **(2) THE PROFILE/INFORMATION ON EACH CASE;**
30 **(3) THE NUMBER OF VICTIMS OF TRAFFICKING IN PERSONS REFERRED**
31 **TO THE AGENCY BY COUNTRIES/AREAS AND BY AREA OF ORIGIN;**
32 **AND**

1 **(4) DISAGGREGATED DATA ON TRAFFICKING VICTIMS AND THE**
2 **ACCUSED."**

3 SEC. 6. Section 17 of Republic Act No. 9208 is hereby amended to read as follows:

4 *"Section 17. Legal Protection [to] FOR Trafficked Persons. – IN ADDITION TO*
5 **PROTECTION PROVIDED BY LAW, VICTIMS OF TRAFFICKING SHALL:**

6 **(A) [Trafficked persons shall] B[b]e** recognized as victims of the act or acts of
7 trafficking and as such shall not be penalized for crimes directly related to the acts of
8 trafficking enumerated in this Act or in obedience to the order made by the trafficker in
9 relation thereto. In this regard, the consent of a trafficked person to the intended
10 exploitation set forth in this Act shall be irrelevant;

11 **(B) BE ENTITLED TO TAKE REFUGE IN ANY DSWD OFFICE OR CITY OR**
12 **MUNICIPAL SOCIAL WELFARE AND DEVELOPMENT OFFICE. THESE OFFICES**
13 **SHALL AUTOMATICALLY TAKE PROTECTIVE CUSTODY OF ANY CHILD WHO IS**
14 **BELIEVED, BASED ON SUBSTANTIAL EVIDENCE UPON INITIAL INVESTIGATION,**
15 **TO HAVE BEEN EXPLOITED THROUGH ANY OF THE UNLAWFUL ACTS**
16 **DESCRIBED IN SECTIONS 4, 5, OR 11 HEREIN. IN THE PERFORMANCE OF THIS**
17 **DUTY, THE SAID OFFICE SHALL EXERCISE DISCRETION OVER THE CHILD'S**
18 **WELFARE, INCLUDING THE DISCRETION TO RELEASE, OR TO REFUSE TO**
19 **RELEASE, THE CHILD TO THE CHILD'S PARENT OR GUARDIAN, WITH DUE**
20 **CONSIDERATION FOR THE CHILD'S BEST INTEREST.**

21 **(C) BE ENTITLED, UPON PROPER PETITION, TO THE ISSUANCE OF A**
22 **PROTECTION ORDER FOR THE PURPOSE OF PREVENTING VIOLENCE,**
23 **HARASSMENT, INTIMIDATION, OR BRIBERY, OR TO FACILITATE THE**
24 **OPPORTUNITY AND ABILITY TO RECOVER FROM, OR TO PURSUE LEGAL**
25 **REMEDIES FOR SUCH CRIME. A PROTECTION ORDER ISSUED UNDER THIS ACT**
26 **SHALL BE ENFORCED BY LAW ENFORCEMENT AGENCIES. PROTECTION**
27 **ORDERS THAT MAY BE ISSUED UNDER THIS ACT ARE BARANGAY PROTECTION**
28 **ORDERS (BPOS), TEMPORARY PROTECTION ORDERS (TPOS), AND PERMANENT**
29 **PROTECTION ORDERS (PPOS). THE ISSUANCE OF A BPO OR PENDENCY OF AN**
30 **APPLICATION FOR A BPO SHALL NOT PRECLUDE A PETITIONER FROM**
31 **APPLYING FOR, OR A COURT FROM GRANTING, A TPO OR PPO. A BPO UNDER**
32 **THIS ACT MAY INCLUDE ONE OR MORE OF THE FORMS OF RELIEF INDICATED**
33 **IN SUBPARAGRAPHS (1)-(3) BELOW. A TPO OR PPO UNDER THIS ACT MAY**

1 INCLUDE ANY ONE OR MORE OF THE FORMS OF RELIEF INDICATED IN
2 SUBPARAGRAPHS (1)-(5) BELOW.

3 (1) ORDERING THE RESPONDENT TO ABSTAIN FROM DIRECTLY OR
4 INDIRECTLY CONTACTING, COMMUNICATING WITH, THREATENING,
5 HARASSING OR ANNOYING AN ALLEGED VICTIM OF TRAFFICKING
6 OR ANY OTHER PERSON ASSOCIATED WITH OR RELATED TO THE
7 ALLEGED VICTIM;

8 (2) ORDERING THE RESPONDENT TO STAY AWAY, AT A SPECIFIED
9 DISTANCE, FROM AN ALLEGED VICTIM OF TRAFFICKING OR ANY
10 OTHER PERSON ASSOCIATED WITH OR RELATED TO THE ALLEGED
11 VICTIM, OR FROM ANY SPECIFIED PLACE FREQUENTED BY THE
12 ALLEGED VICTIM OR ANY OTHER PERSON ASSOCIATED WITH OR
13 RELATED TO THE ALLEGED VICTIM;

14 (3) ORDERING THE RESPONDENT TO REFRAIN FROM USING, OR TO
15 SURRENDER TO THE ISSUING AUTHORITY FOR APPROPRIATE
16 DISPOSITION, ANY FIREARM OR DEADLY WEAPON, OR TO BE
17 DISQUALIFIED FROM POSSESSING OR USING ANY FIREARM OR
18 DEADLY WEAPON INCLUDING, WITHOUT LIMITATION, REVOCATION OF
19 SUCH LICENSE OR DISQUALIFICATION FROM OBTAINING SUCH
20 LICENSE;

21 (4) ORDERING THE RESPONDENT TO PROVIDE RESTITUTION FOR ANY
22 ACTUAL DAMAGES THAT PETITIONER CAUSED AN ALLEGED
23 TRAFFICKING IN PERSON VICTIM, INCLUDING BUT NOT LIMITED TO
24 LOST OR DAMAGED PROPERTY, LOST INCOME, AND MEDICAL
25 EXPENSES; OR

26 (5) ORDERING ANY OTHER RELIEF AS DEEMED NECESSARY TO PROTECT
27 AND TO PROVIDE FOR THE SAFETY AND WELL-BEING OF AN
28 ALLEGED TRAFFICKING IN PERSON VICTIM, INCLUDING (WITHOUT
29 LIMITATION) PROTECTING AND PROVIDING FOR THE SAFETY AND
30 WELL-BEING OF ANY OTHER PERSON ASSOCIATED WITH OR
31 RELATED TO THE ALLEGED VICTIM, PROVIDED THAT THE ALLEGED
32 VICTIM AND ANY DESIGNATED PERSON ASSOCIATED WITH OR
33 RELATED TO THE ALLEGED VICTIM CONSENTED TO SUCH RELIEF.

34 A BPO, TPO, OR PPO UNDER THIS SECTION MAY BE OBTAINED BY ANY
35 PERSON AUTHORIZED TO PETITION FOR A PROTECTIVE ORDER UNDER R.A.
36 9262 (WITH THE "OFFENDED PARTY" FOR PURPOSES OF THIS SECTION BEING

1 LIMITED TO AN ALLEGED VICTIM OF TRAFFICKING IN ACCORDANCE WITH THE
2 MECHANISM PRESCRIBED IN R.A. 9262. ANY ALLEGED VICTIM OF
3 TRAFFICKING, WHETHER MALE OR FEMALE, MAY BE THE BENEFICIARY OF A
4 PROTECTIVE ORDER UNDER THIS SECTION. ANY VIOLATION OF AN ORDER
5 ISSUED PURSUANT TO THIS SECTION SHALL BE PUNISHED ACCORDING TO
6 THE PENALTY PROVIDED UNDER R.A. 9262. NOTHING IN ANY ORDER ISSUED
7 PURSUANT TO THIS SECTION SHALL LIMIT THE AUTHORITY OF SOCIAL
8 WELFARE AND DEVELOPMENT OFFICES, AS TO THE AUTHORITY DESCRIBED IN
9 PARAGRAPH (B) OF THIS SECTION.

10 IN ADDITION TO THE FOREGOING PROTECTION ORDERS, THE
11 INVESTIGATING PROSECUTOR HANDLING THE COMPLAINT FOR VIOLATION OF
12 THIS ACT MAY ISSUE AN INTERIM PROTECTION ORDER (IPO) THAT WOULD
13 EXTEND THE SOCIAL WELFARE AND DEVELOPMENT OFFICE'S CUSTODY OF
14 THE VICTIM OR POTENTIAL VICTIM, UNDER PARAGRAPH (B) OF THIS SECTION,
15 FOR A PERIOD OF 60 DAYS FOR THE PURPOSE OF CARRYING OUT AN
16 INVESTIGATION: *PROVIDED*, THAT (i) THE IPO SHALL BE ISSUED ONLY UPON
17 DETERMINATION THAT THERE IS THREAT TO THE LIFE AND SAFETY OF THE
18 VICTIM OR POTENTIAL VICTIM; (ii) THE VICTIM OR POTENTIAL VICTIM IS IN
19 POSSESSION OF INFORMATION OR EVIDENCE THAT IS MATERIAL TO THE
20 TRAFFICKING CASE; AND (iii) SUCH DECISION SHALL BE MADE BASED ON
21 CONSULTATION WITH THE VICTIM OR POTENTIAL VICTIM, THE SOCIAL
22 WORKER HANDLING THE CASE, AND IF POSSIBLE AND DESIRABLE, THE
23 FAMILY OF THE VICTIM OR POTENTIAL VICTIM.

24 (D) *IRRELEVANCE OF PAST SEXUAL BEHAVIOR OF VICTIMS.* - THE PAST
25 SEXUAL BEHAVIOR OF A TRAFFICKED PERSON IS IRRELEVANT AND
26 INADMISSIBLE FOR THE PURPOSE OF PROVING CONSENT, ESTABLISHING THE
27 CREDIBILITY OR LACK OF IT, OR THAT THE VICTIM WAS ENGAGED IN OTHER
28 SEXUAL BEHAVIOR, OR TO PROVE THE DISPOSITION, SEXUAL OR OTHERWISE,
29 OF SUCH TRAFFICKED PERSON.

30 (E) *IMMUNITY FROM SUIT.* - NO ACTION, SUIT, PROSECUTION OR OTHER
31 PROCEEDINGS SHALL BE BROUGHT, INSTITUTED, OR MAINTAINED IN ANY
32 COURT OR BEFORE ANY OTHER AUTHORITY AGAINST: (A) ANY LAW
33 ENFORCEMENT OFFICER; (B) ANY SOCIAL WORKER; (C) ANY PERSON,
34 LAWFULLY ACTING IN COMPLIANCE WITH ANY DIRECTION OR ORDER OF A
35 LAW ENFORCEMENT OFFICER OR A SOCIAL WORKER FOR LAWFUL ACTS
36 DONE OR STATEMENTS MADE DURING AUTHORIZED RESCUE OPERATION,

1 **INVESTIGATION, OR PROSECUTION OF AN ANTI-TRAFFICKING CASE:**
2 **PROVIDED, THAT SUCH ACTS ARE MADE IN GOOD FAITH."**

3 SEC. 7. Section 20 of Republic Act No. 9208 is hereby amended to read as follows:

4 "Sec. 20. *Inter-Agency Council Against Trafficking.* - There is hereby established
5 an Inter-Agency Council Against Trafficking, to be composed of the Secretary of the
6 Department of Justice as Chairperson and the Secretary of the Department of Social
7 Welfare and Development as Co-Chairperson and shall have the following as members:

8 (a) Secretary, Department of Foreign Affairs;

9 (b) Secretary, Department of Labor and Employment.

10 (c) Administrator, Philippine Overseas Employment Administration;

11 (d) Commissioner, Bureau of Immigration.

12 (e) Director-General, Philippine National Police;

13 (f) Chairperson. [National Commission on the Role of Filipino Women]

14 **PHILIPPINE COMMISSION ON WOMEN: [and]**

15 (g) **EXECUTIVE DIRECTOR, PHILIPPINE CENTER FOR TRANSNATIONAL**
16 **CRIMES; AND**

17 (H) Three (3) representatives from NGOs. [who shall be composed of] one (1)
18 representative each from [among] the sectors representing women, overseas Filipino
19 workers (OFWs) and children, with a proven record of involvement in the prevention and
20 suppression of trafficking in persons. These representatives shall be nominated by the
21 government agency representatives of the Council, for appointment by the President for
22 a term of three (3) years.

23 The members of the Council may designate their permanent representatives [who shall
24 have a rank not lower than an assistant secretary or its equivalent to meetings.] and
25 shall receive emoluments as may be determined by the Council in accordance with
26 existing budget and accounting rules and regulations.

27 SEC. 8. Section 22 of Republic Act No. 9208 is hereby amended to read as follows:

1 *Section 22. *Secretariat to the Council* - The Department of Justice shall establish
2 the necessary Secretariat for the Council. **THE SECRETARIAT SHALL PROVIDE**
3 **SUPPORT FOR THE FUNCTIONS AND PROJECTS OF THE COUNCIL.**

4 **THE SECRETARIAT SHALL BE HEADED BY AN EXECUTIVE DIRECTOR,**
5 **WHO SHALL BE APPOINTED BY THE SECRETARY OF THE DEPARTMENT OF**
6 **JUSTICE UPON THE RECOMMENDATION OF THE COUNCIL. THE EXECUTIVE**
7 **DIRECTOR MUST HAVE ADEQUATE KNOWLEDGE ON, TRAINING AND**
8 **EXPERIENCE IN THE PHENOMENON OF AND ISSUES INVOLVED IN TRAFFICKING**
9 **IN PERSONS AND IN THE FIELD OF LAW, LAW ENFORCEMENT, SOCIAL WORK,**
10 **CRIMINOLOGY, OR PSYCHOLOGY.**

11 **THE EXECUTIVE DIRECTOR SHALL BE UNDER THE SUPERVISION OF THE**
12 **IACAT THROUGH ITS CHAIRPERSON AND CO-CHAIRPERSON, AND SHALL**
13 **PERFORM THE FOLLOWING FUNCTIONS:**

- 14 **(A) ACT AS SECRETARY OF THE COUNCIL AND ADMINISTRATIVE**
15 **OFFICER OF ITS SECRETARIAT;**
- 16 **(B) ADVISE AND ASSIST THE CHAIRPERSON IN FORMULATING AND**
17 **IMPLEMENTING THE OBJECTIVES, POLICIES, PLANS, AND**
18 **PROGRAMS OF THE COUNCIL, INCLUDING THOSE INVOLVING**
19 **MOBILIZATION OF GOVERNMENT OFFICES REPRESENTED IN THE**
20 **COUNCIL AS WELL AS OTHER RELEVANT GOVERNMENT OFFICES,**
21 **TASK FORCES, AND MECHANISMS;**
- 22 **(C) SERVE AS PRINCIPAL ASSISTANT TO THE CHAIRPERSON IN THE**
23 **OVERALL SUPERVISION OF COUNCIL ADMINISTRATIVE BUSINESS;**
- 24 **(D) OVERSEE ALL COUNCIL OPERATIONAL ACTIVITIES;**
- 25 **(E) ENSURE AN EFFECTIVE AND EFFICIENT PERFORMANCE OF COUNCIL**
26 **FUNCTIONS AND PROMPT IMPLEMENTATION OF COUNCIL**
27 **OBJECTIVES, POLICIES, PLANS, AND PROGRAMS;**
- 28 **(F) PROPOSE EFFECTIVE ALLOCATIONS OF RESOURCES FOR**
29 **IMPLEMENTING COUNCIL OBJECTIVES, POLICIES, PLANS, AND**
30 **PROGRAMS;**
- 31 **(G) SUBMIT PERIODIC REPORTS TO THE COUNCIL ON THE PROGRESS OF**
32 **COUNCIL OBJECTIVES, POLICIES, PLANS, AND PROGRAMS;**
- 33 **(H) PREPARE ANNUAL REPORTS OF ALL COUNCIL ACTIVITIES; AND**

1 (I) **PERFORM OTHER DUTIES AS THE COUNCIL MAY ASSIGN."**

2 SEC. 9. Section 24, paragraph (a) of Republic Act No. 9208 is hereby amended to read as
3 follows:

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

5 (b) *Legal Assistance.* - Trafficked persons shall be considered under the category
6 "Overseas FilipinoS in Distress" and may avail of the legal assistance created
7 by Republic Act No. 8042. **AS AMENDED**, subject to the guidelines as provided
8 by law.
9 x x x

10 SEC. 10. Section 26 of Republic Act No. 9208 is hereby amended and a new Section 26-A is
11 inserted to read as follows.

12 "Section 26. *Extradition.* - The DOJ, in consultation with DFA, shall [endeavor
13 to] include offenses of trafficking in persons among extraditable offenses."

14 "SECTION 26-A. **EXTRA TERRITORIAL JURISDICTION.** - THE STATE
15 SHALL EXERCISE JURISDICTION OVER ANY ACT DEFINED AND PENALIZED
16 UNDER THIS ACT, EVEN IF COMMITTED OUTSIDE THE PHILIPPINES AND
17 WHETHER OR NOT SUCH ACT OR ACTS CONSTITUTE AN OFFENSE AT THE
18 PLACE OF COMMISSION, IF THE SUSPECT OR ACCUSED:

- 19 (1) IS A FILIPINO CITIZEN;
20 (2) IS A PERMANENT RESIDENT OF THE PHILIPPINES; OR
21 (3) HAS COMMITTED THE ACT AGAINST A CITIZEN OF THE PHILIPPINES.

22 NO CRIMINAL PROCEEDINGS MAY COMMENCE AGAINST ANY PERSON
23 UNDER THIS SECTION IF A FOREIGN GOVERNMENT, IN ACCORDANCE WITH
24 JURISDICTION RECOGNIZED BY THE PHILIPPINES, HAS PROSECUTED OR IS
25 PROSECUTING SUCH PERSON FOR THE CONDUCT CONSTITUTING SUCH
26 OFFENSE, EXCEPT UPON THE APPROVAL OF THE SECRETARY OF JUSTICE.

27 THE GOVERNMENT MAY SURRENDER OR EXTRADITE PERSONS ACCUSED
28 OF TRAFFICKING IN THE PHILIPPINES TO THE APPROPRIATE INTERNATIONAL
29 COURT, IF ANY, OR TO ANOTHER STATE, PURSUANT TO APPLICABLE
30 EXTRADITION LAWS AND TREATIES."

1 SEC. 11. Section 28 of Republic Act No. 9208 is hereby amended to read as follows:

2 Section 28. *Funding.*- [The heads of the departments and agencies concerned
3 shall immediately include in their programs and issue such rules and regulations to
4 implement the provisions of this Act, the funding of which shall be included in the
5 annual General Appropriations Act.] **THE AMOUNT NECESSARY TO IMPLEMENT**
6 **THE PROVISIONS OF THIS ACT SHALL BE CHARGED AGAINST THE CURRENT**
7 **YEAR'S APPROPRIATIONS OF THE INTER-AGENCY COUNCIL AGAINST**
8 **TRAFFICKING UNDER THE BUDGET OF THE DEPARTMENT OF JUSTICE AND**
9 **THE APPROPRIATIONS OF THE OTHER CONCERNED DEPARTMENTS,**
10 **THEREAFTER, SUCH SUMS AS MAY BE NECESSARY FOR THE CONTINUED**
11 **IMPLEMENTATION OF THIS ACT SHALL BE INCLUDED IN THE ANNUAL**
12 **GENERAL APPROPRIATIONS ACT.**

13 Section 11. If any part or provision of this Act is declared invalid or unconstitutional, the other
14 parts thereof not affected thereby shall remain valid.

15 Section 12. Articles 202 of the Revised Penal Code as amended, and all laws, acts, presidential
16 decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to
17 the provisions of this Act are deemed amended, modified or repealed accordingly.

18 Section 13. This Act shall take effect fifteen (15) days after completion of its publication in two (2)
19 newspapers of general circulation.

20
21 *Approved,*

House of Representatives Committee Affairs Department

FACT SHEET

HOUSE BILL NO. 6339

(In substitution of HB Nos. 258, 1705, 4212 and 4694)

AN ACT

AMENDING REPUBLIC ACT NO. 9208 ENTITLED "AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN

Introduced by: **REPRESENTATIVES MEL SENEN S. SARMIENTO, PRYDE HENRY A. TEVES, SUSAN A. YAP, CINCHONA CRUZ-GONZALES, EMMANUEL D. PACQUIAO, WALDEN F. BELLO, MARIA ISABELLE G. CLIMACO, MAXIMO B. RODRIGUEZ JR., KARLO ALEXEI B. NOGRALES, RACHEL MARGUERITE B. DEL MAR, ERICO B. AUMENTADO, RODANTE D. MARCOLETA, RUFUS B. RODRIGUEZ, CESAR V. SARMIENTO, LINABELLE RUTH R. VILLARICA, LORENZO R. TAÑADA II, MARIA ZENAIDA B. ANGPING AND MARLYN L. PRIMICIAS-AGABAS**

Committee Referral: **COMMITTEE ON REVISION OF LAWS**
Committee Chairperson: **HON. MARLYN L. PRIMICIAS-AGABAS**

OBJECTIVE:

- To strengthen the mechanisms for the protection and support of victims of trafficking by further enumerating, specifying, and defining concerns and policies of trafficking in persons as prescribed under Republic Act No. 9208, known as "Anti-trafficking in persons Act of 2003.

KEY PROVISIONS:

- Defines trafficking in persons as an act of recruiting, obtaining, maintaining, offering, providing, receiving, transporting or transferring any natural person with or without consent within or beyond national borders;
- Elucidates that intimidation, threats, use of force, deceit, servitude and/or forced labor, abduction, bondage from debts, abuse of power, sexual exploitation among others as facets in determining trafficking in persons;
- Considers tampering, concealing or destruction of evidence or to influence witnesses, or utilizes an office to impede an investigation or prosecution in trafficking as grave offense;
- Protects trafficked victims by ensuring confidentiality or concealment of identity;

- Provides that trafficked in persons cases could not be dismissed by mere execution of affidavit of desistance corollary thereto commands prosecutors to manifest objection to any motion to quash, dismiss cases of trafficking in persons;
- Provides that past sexual behavior of a trafficked person shall be considered inadmissible in evidence for the purpose of determining consent of the victim;
- Imposes Fifteen (15) years imprisonment and fine of not less than Five Hundred Thousand (500,000.00) but not more than One Million (1,000,000.00) Pesos to any person found guilty of committing trafficking in person;
- Provides twenty (20) years prescriptive period for cases involving minor victims of trafficking;
- Conducts pre-marriage counseling services for inter services for intermarriages in coordination with Non-Government Organizations;
- Directs the Philippine Overseas Employment Administration (POEA) in coordination with other agencies to institute training programs for victims of trafficking;
- Establishes a central database for trafficking cases and concerns;
- Authorizes law enforcement agencies to hold in custody by issuing an interim protection order to any person on a mere suspicion that he/she is a victim of trafficking;
- Creates the Office of the Inter-Agency Council Against Trafficking under the Department of Justice (DOJ);
- Mandates the state to exercise extra territorial jurisdiction over cases of trafficking committed outside the Philippines;
- Provides funds to support the Inter-Agency Council Against Trafficking (IACAT), created under Republic Act No. 9208 in order to shore-up its capabilities to meet growing challenges in curbing the crime of trafficking in persons;

RELATED LAWS:

- 1987 Philippine Constitution
- Anti-Trafficking in Persons Act (R.A. 9208)
- Human Security Act of 2007 (R.A. 8371)
- 1948 Universal Declaration of Human Rights