

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2892



Introduced by Representative Alfredo D. Vargas III

EXPLANATORY NOTE

Traditionally, the term 'mail-order brides' refers to women from poor families in developing nations who, usually under the supervision of syndicates, publish their intention to marry male citizens of economically advantaged countries. This phenomenon has been widely criticized for its exploitation of women, creation of immigration problems, and tendency to create conditions in which domestic violence thrives. In 1990, the Philippines sought to prohibit this form of women trafficking through the enactment of Republic Act (R.A.) No. 6955, otherwise known as the Anti-Mail-Order Bride Law. However, this legislation has been unsuccessful in curbing the perils of women trafficking. For one, it has not anticipated the proliferation of the mail-order bride industry in the Internet. At present, it has also been a trend for Filipino men to be engaged in mail-order spouse schemes and R. A. 6955 does not protect them from falling prey to exploitation.

In order to address the limitations of R.A. 6955, this bill seeks to broaden the scope of unlawful and punishable schemes of matching Filipinos to foreign nationals. Salient proposals of the bill include:

1. Prohibiting the matching of both Filipino men **AND** women for marriage or common law partnership to foreign nationals by a third party entity engaged in the business of mail-order spouse;
2. Declaring unlawful the operation of the mail-order spouse industry in the World Wide Web as unlawful;
3. Confiscation and forfeiture of proceeds and instruments derived from committing the prohibited acts in favor of the government; and
4. Mandatory services to victims of the mail order spouse scheme to ensure their recovery and rehabilitation.

To protect the Filipino men and women from this particular form of human smuggling and sex trafficking, and ensure the preservation of their human dignity, the immediate approval of this bill is earnestly sought.


ALFREDO D. VARGAS III

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AN ACT

TO STRENGTHEN THE POLICIES TO ELIMINATE THE MATCHING OF FILIPINO MEN AND WOMEN THROUGH MAIL ORDER AND OTHER SIMILAR PRACTICES FOR PURPOSES OF MARRIAGE OR COMMON LAW PARTNERSHIP WITH FOREIGN NATIONALS, REVISING FOR THIS PURPOSE REPUBLIC ACT NO. 6955, OTHERWISE KNOWN AS THE ANTI-MAIL ORDER BRIDE LAW

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

SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of the State to ensure and guarantee the enjoyment of the people of a decent standard of living with a person whom they freely choose to be their lifetime partner. Towards this end, the State shall take measures to protect Filipino men and women from being exploited in utter disregard of human dignity in their pursuit of a better life in the company of someone with a different culture and nationality.

SECTION 2. *Definition of Terms.* – For purposes of this Act the following terms shall be understood as follows:

- a. “Mail Order Spouse or Partner” – any person whose identity is advertised either by personal introduction, publication, or through internet websites for purposes of marriage or partnership to a foreign national.
- b. “Common Law Partnership” – a conjugal relationship between two persons created by agreement and actual cohabitation rather than by a legal ceremony.
- c. “Mail Order Scheme Fee” – any monetary amount given to any natural or juridical person in consideration of the matching of a Filipino to a foreign national through mail order or other similar practices.

SECTION 3. *Prohibited Acts.* – The following acts are hereby declared unlawful:

- a. For a person, natural or juridical, association, club, or any other entity to commit, directly or indirectly, any of the following acts:

1. To establish or carry on a business which has for its purpose the matching of Filipino men and women for marriage or common law partnership to foreign nationals on a mail-order basis, through personal introduction, or by any means of online publications either through e-mail or website posting;
 2. To advertise, publish, print or distribute or cause the advertisement, publication, printing or distribution of any brochure, flyer, or any propaganda material including those posted or are made available through the internet, which are calculated to promote the prohibited acts in the preceding subparagraph;
 3. To solicit, enlist or in any manner attract or induce Filipino men and women to become members in any club or association whose objective is to match them for marriage to foreign nationals on a mail-order basis, through e-mail or website posting, for and in consideration of a fee;
 4. To use the postal service and the internet to promote the prohibited acts in subparagraph 1 hereof.
- b. For the manager or officer-in-charge or advertising manager of any newspaper, magazine, television or radio station, or other forms of media including the internet, or of an advertising agency, printing company or other similar entities, to knowingly allow, or consent to, the acts prohibited in the preceding paragraph.

SECTION 4. *Persons Liable.* – In case of violation of this Act by an association, club, partnership, corporation, or any other entity, the incumbent officers and employees thereof who have knowingly participated in the violation of this Act shall be held liable.

SECTION 5. *Penalties.* – Any person found guilty by the court to have violated any of the acts herein prohibited shall suffer an imprisonment of fifteen (15) years, 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): Provided, that if the offender is a foreigner, he/she shall be immediately deported and barred forever from entering the country after serving his sentence and payment of fine.

SECTION 6. *Confiscation and Forfeiture of Proceeds and Instruments Derived from the Commission of Prohibited Acts.* – In addition to the penalty imposed for the violation of this Act, the court shall order the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act: Provided, however that all awards for damages shall be taken from the personal and separate properties of the offender.

Provided, further, that if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

When the proceeds, properties and instruments of the offense have been destroyed or diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has been concealed, removed, converted or transferred to prevent the same

from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offense.

SECTION 7. *Mandatory Services to Victims of Mail Order Spouse Scheme.* – To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies shall make available the following services to victims of Mail Order Spouse and other similar schemes:

- a. Counseling;
- b. Free legal service which shall include information about the victim's rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the victim;
- c. Medical or psychological services; and
- d. Livelihood and skills training.

SECTION 8. *Trust Fund.* – All fines imposed under this Act and the proceeds and properties forfeited and confiscated pursuant to Section 6 hereof shall accrue to a Trust Fund to be administered and managed by the Commission on Filipinos Overseas to be used exclusively for programs that will prevent mail order spouse schemes and protect, rehabilitate, and reintegrate victims into the mainstream of society. Such programs shall include, but not limited to, the following:

- a. Provision for mandatory services set forth in Section 7 of this Act;
- b. Sponsorship of a national research program on mail order spouse scheme and establishment of a data collection system for monitoring and evaluation purposes;
- c. Provision of necessary technical and material support services to appropriate government agencies and non-government organizations (NGOs).
- d. Sponsorship of conferences and seminars to provide venue for consensus building amongst the public, the academe, government, NGOs and international organizations; and
- e. Promotion of information and education campaign on mail order spouse scheme.

SECTION 9. *Implementing Rules and Regulations.* – The Commission on Filipinos Overseas, the Philippine Commission on Women, the Bureau of Immigration, and at least two (2) representatives from NGOs which are engaged in assisting victims of Mail Order Spouse and other similar schemes, shall be in charged in carrying out the provisions of this Act and shall formulate its implementing rules and regulations within ninety (90) days after the effectivity of this Act.

SECTION 10. *Restriction Clause.* – Nothing in this Act shall be interpreted as a restriction on the freedom of speech and of association for purposes not contrary to law as guaranteed by the Constitution.

SECTION 11. ***Repealing Clause.*** – All laws, decrees, orders, instructions, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 12. ***Separability Clause.*** – If, for any reason, any section or provision of this Act is held invalid or unconstitutional, the other sections or provisions shall not be affected thereby and shall continue to be operative.

SECTION 13. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,