

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Second Regular Session

House Bill No. 5709



Introduced by Honorable Sherwin T. Gatchalian

Explanatory Note

According to the 2014 Trafficking in Persons Report released by the U.S. Department of State the Philippines remains to be a Tier 2 country, meaning that our government has yet to meet the minimum standards for the elimination of trafficking. In 2014, the Department of Social Welfare and Development reported assisting 1,824 human trafficking victims nationwide. This official statistic is most likely a mere fraction of the actual number which includes unreported cases. These crimes often go unreported because victims lack information on human trafficking, and the families of victims accept the situation as normal.

Human trafficking in all of its forms, including forced labor and sexual exploitation, is a crime fundamentally repugnant to the values of the State and the basic dignity and rights of the Filipino. The lack of understanding and awareness of human trafficking continues to facilitate a culture of impunity for the perpetrators, and a burden of injustice for the victims. The State must assume a larger role in stopping trafficking at its source – by educating potential victims about the dangers of trafficking and instructing them on how to seek protection from the government.

Our children are some of the most vulnerable victims of trafficking. Domestically, there are 2.2 million child labourers between the ages of 15-17, many of whom are engaged in hazardous unskilled working environments. Some children work in virtual slavery in the informal employment sector as domestic helpers. Others are exploited for prostitution and pornography, while children in war-torn areas with communist and Moro separatist movements are easy targets for forced conscription into the armed movements.

In order to empower the youth against the scourge of human trafficking, this legislation seeks to create a comprehensive Human Trafficking Preventive Education Program. The Program will arm members of the youth sector from all walks of life with the information they need to protect themselves from becoming victims of trafficking. In addition, the Program will institute grassroots reporting mechanisms to empower community members to take a stand against human trafficking with decisive action against the heinous criminals who seek to degrade our most fundamental human rights.

Support for the passage and approval of this legislation is earnestly sought.



SHERWIN T. GATCHALIAN
Representative
First District, Valenzuela City

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AN ACT
ESTABLISHING A HUMAN TRAFFICKING PREVENTIVE EDUCATION
PROGRAM FOR THE YOUTH AND APPROPRIATING FUNDS THEREFOR

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 “*Human Trafficking Preventive Education Program Act*”.

SEC. 2. **Declaration of Policy.** – It is hereby declared a policy of the State to protect the youth from human trafficking and other crimes fundamentally detrimental to their development and wellbeing. The State shall enhance the knowledge of the youth of their basic rights and promote their vigilance against human traffickers by providing preventive education to teach them about the dangers of human trafficking in its various forms.

SEC. 3. **Preventive Education Program.** – The Inter-Agency Council Against Trafficking (Council) shall facilitate the establishment of a Human Trafficking Preventive Education Program. The Program shall accomplish the following objectives:

- (a) Educate the youth about fundamental rights concerning labor and employment, liberty, human security, as well as other essential rights;
- (b) Orient the youth about the dangers of international and domestic human trafficking in its various forms including but not limited to illegal recruitment, unfair labor practices, involuntary servitude, sexual exploitation and prostitution, and child labor;

- (c) Provide the youth with information on services provided by government agencies and non-governmental organizations to aid and protect victims of human trafficking, and;
- (d) Identify members of the youth who have been, or are currently victims of human trafficking and refer them to the proper agency or organization for protection and rehabilitation.

The Program shall have a school-based component and a community-based component.

SEC. 4. **School-Based Program.** – The Council, in cooperation with the Department of Education, the Commission on Higher Education, and the Technical Education and Skills Development Authority, shall implement a School-Based Program to accomplish the objectives stated in Section 3 of this Act. The School-Based Program shall cover all students enrolled in junior high schools, senior high schools, colleges and universities, and technical or vocational education programs.

The school principal, college or university president, or technical school head shall be responsible for the following:

- (a) Facilitate the effective and efficient implementation of the Program in his or her educational institution;
- (b) Assign guidance counsellors or equivalent support staff to identify and protect human trafficking victims and at-risk students, and;
- (c) Establish a safe and proactive human trafficking reporting mechanism which allows members of the school community to report suspected or confirmed cases of human trafficking within the school.

SEC. 5. **Community-Based Program.** – The Council, in cooperation with the Council for the Welfare of Children (CWC), shall implement a Community-Based Program to accomplish the objectives stated in Section 3 of this Act. The Community-Based Program shall cover all out-of-school youth in the Philippines, and it shall be implemented at the barangay level.

The Chairman of the various Barangay Councils for the Protection of Children (BCPC) of the CWC shall be responsible for the following:

- (a) Facilitate the effective and efficient implementation of the Program in their respective barangays;

- (b) Assign guidance counsellors, social workers, or equivalent staff to identify and protect human trafficking victims and at-risk out-of-school youth, and;
- (c) Establish a safe and proactive human trafficking reporting mechanism which allows barangay residents to report suspected cases of human trafficking within the community.

SEC. 6. **Youth in Conflict-Afflicted Areas.** – The Council shall prioritize the implementation of the Program in conflict-afflicted areas, with special emphasis on human trafficking practices commonly perpetrated in conflict-afflicted areas.

SEC. 7. **Accountability Measures.** – The head of the educational institution and the Chairman of the BCPC, as the case may be, shall submit to the Council a bi-annual progress report on the implementation and outcomes of the Program in their respective jurisdictions.

Failure to ensure faithful implementation of the Program consistent with the provisions of this Act shall result in administrative sanctions for the Institution Head or Chairman, as the case may be, subject to due process and the provisions of applicable laws, rules, and regulations.

SEC. 8. **Appropriations.** – The amount of One Hundred Million Pesos (P100,000,000.00) is hereby initially appropriated to implement the provisions of this Act. Thereafter, such amount necessary to effectively carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 9. **Civil Society Participation.** – The Council shall endeavour to utilize non-governmental organizations (NGOs), community stakeholders, and other civil society actors with knowledge and experience on human trafficking prevention and suppression in the formulation, implementation, and monitoring of the Program.

SEC. 10. **Implementing Rules and Regulations.** – Within (60) days from the effectivity of this Act, the Council, in coordination with the government agencies and entities mentioned in the provisions of this Act, shall promulgate the implementing rules and regulations as may be necessary to ensure the efficient and effective implementation of this Act.

SEC. 11. **Separability Clause.** – Should any part of this Act be declared unconstitutional, the rest of the provisions of this Act shall continue to be in effect and subsisting.

SEC. 12. **Repealing Clause.** – The provisions of other laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed, amended, or modified accordingly.

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