

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 5506



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

On September 21, 1972, then President Ferdinand E. Marcos proclaimed Martial Law, through General Order No. 1, ordered and decreed the adoption and implementation of the Integrated Reorganization Plan.

On July 25, 1987, President Corazon C. Aquino signed Executive order No. 292, also known as the Administrative Code of 1987. Said order renamed the office, **"Bureau of Immigration."** It continues, however, to perform all the powers and functions it had while still a commission, and its head of office still remains to be called commissioner as provided under DOJ.

Therefore, it shall hereby be a declared policy of the State to value the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society.

It shall hereby be a State policy to recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families. United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.

This House Bill seeks to ensure that the country fulfills its commitments to eliminate **trafficking** in persons especially women and children, establishing the necessary **institutional mechanisms** for the protection and support of trafficked persons, providing for **stiffer penalties and sanctions for its violations**.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal flourish extending to the right.

MICHAEL L. ROMERO

Republic of the Philippines
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AN ACT

AMENDING **REPUBLIC ACT 10364**, OTHERWISE KNOWN AS THE
“**EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012**,
PROVIDING FOR STIFFER PENALTIES AND SANCTIONS AND FOR
OTHER PURPOSES

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

SECTION 1. Section 12 of Republic Act NO. 10364 is hereby amended, to read as follows:

Section 12. Section 10 of Republic Act No. 9208 is hereby amended to read as follows:

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

"(a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of thirty **(30)** years and a fine of not less than Two million pesos **(P2,000,000.00)** but not more than Four million pesos **(P4,000,000.00)**;

"(b) Any person found guilty of committing any of the acts enumerated in Section 4-A of this Act shall suffer

the penalty of imprisonment of twenty **(20)** years and a fine of not less than One million pesos **(P1,000,000.00)** but not more than Two million pesos **(P2,000,000.00)**;

"(c) Any person found guilty of Section 4-B of this Act shall suffer the penalty of imprisonment of twenty **(20)** years and a fine of not less than One million pesos **(1,000,000.00)** but not more than Two million pesos **(2,000,000.00)**;

"In every case, conviction shall cause and carry the automatic revocation of the license or registration of the recruitment agency involved in trafficking. The license of a recruitment agency which trafficked a child shall be automatically revoked.

"(d) Any person found, guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of twenty **(20)** years and a fine of not less than One million pesos **(P1,000,000.00)** but not more than Two million pesos **(P2,000,000.00)**;

"(e) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Three million pesos **(P3,000,000.00)** but not more than Six million pesos **(P5,000,000.00)**;

"(f) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of nine **(9)** years and a fine of not less than One million pesos **(P1,000,000.00)** but not more than Two million pesos **(P2,000,000.00)**;

"(g) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;

"(h) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked

permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;

"(i) If the offender is a foreigner, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country;

"(j) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His or her retirement and other benefits shall likewise be forfeited; and

"(k) Conviction, by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption."

SECTION 2. Section 13 of Republic Act NO. 10364 is hereby amended, to read as follows:

Section 13. Section 11 of Republic Act No. 9208 is hereby amended to read as follows:

"SEC. 11. *Use of Trafficked Persons.* – Any person who buys or engages the services of a trafficked person for prostitution shall be penalized with the following: *Provided, That* the Probation Law (Presidential Decree No. 968) shall not apply:

"(a) *Prision Correccional* in its maximum period to *prision mayor* or eight **(8)** years to twelve (12)

years imprisonment and a fine of not less than One hundred Fifty thousand pesos **(P150,000.00)** but not more than Three hundred thousand pesos **(300,000.00)**: *Provided, however,* That the following acts shall be exempted thereto:

"(1) If an offense under paragraph (a) involves sexual intercourse or lascivious conduct with a child, the penalty shall be *reclusion temporal* in its medium period to *reclusion perpetua* or twenty **(20)** years to forty (40) years imprisonment and a fine of not less than One million pesos **(P1,000,000.00)** but not more than Two million pesos **(P2,000,000.00)**;

"(2) If an offense under paragraph (a) involves carnal knowledge of, or sexual intercourse with, a male or female trafficking victim and also involves the use of force or intimidation, to a victim deprived of reason or to an unconscious victim, or a victim under twelve (12) years of age, instead of the penalty prescribed in the subparagraph above the penalty shall be a fine of not less than Three million pesos **(P3,000,000.00)** but not more than Five million pesos (P5,000,000.00) and imprisonment of *reclusion perpetua* or forty (40) years imprisonment with no possibility of parole; except that if a person violating paragraph (a) of this section knows the person that provided prostitution services is in fact a victim of trafficking, the offender shall not be likewise penalized under this section but under Section 10 as a person violating Section 4; and if in committing such an offense, the offender also knows a qualifying circumstance for trafficking, the offender shall be penalized under Section 10 for qualified trafficking. If in violating this section the offender also violates Section 4, the offender shall be penalized under Section 10 and, if applicable, for qualified trafficking instead of under this section;

"(b) *Deportation.* – If a foreigner commits any offense described by paragraph (1) or (2) of this

section or violates any pertinent provision of this Act as an accomplice or accessory to, or by attempting any such offense, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country; and

"(c) *Public Official*. – If the offender is a public official, he or she shall be dismissed from service and shall suffer perpetual absolute disqualification to hold public office, in addition to any imprisonment or fine received pursuant to any other provision of this Act."

SECTION 3. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 4. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 5. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 7. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,

