S. No. 3209
H. No. 5572

Republic of the Philippines
Congress of the Philippines
Metro Manila

Sixteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

[REPUBLIC ACT NO. 10906]

AN ACT PROVIDING STRONGER MEASURES AGAINST UNLAWFUL PRACTICES, BUSINESSES, AND SCHEMES OF MATCHING AND OFFERING FILIPINOS TO FOREIGN NATIONALS FOR PURPOSES OF MARRIAGE OR COMMON LAW PARTNERSHIP, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 6955, ALSO REFERRED TO AS THE "ANTI-MAIL ORDER BRIDE LAW"

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

SECTION 1. *Short Title.* – This Act shall be known as the "Anti-Mail Order Spouse Act".

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect and guarantee the individual rights of the Filipino people. Towards this end, the State shall prevent the exploitation of Filipinos, and protect them from unlawful practices, businesses, and schemes which offer

Filipinos for marriage to unscrupulous foreign nationals and expose them to abuse, exploitation, prostitution, and violent situations.

SEC. 3. *Prohibited Acts.* – It shall be unlawful for any person, whether natural or juridical, to commit, directly or indirectly, any of the following acts:

(a) Engage in any business or scheme for money, profit, material, economic or other consideration which has for its purpose the matching or offering of a Filipino to a foreign national for marriage or common law partnership on a mail-order basis or through personal introduction, email, or websites on the internet;

(b) Exhibit, advertise, publish, print, or distribute, or cause the exhibition, advertisement, publication, printing, or distribution of brochures, flyers, or propaganda materials which are calculated to promote the prohibited acts in the preceding paragraph, or to post, advertise, or upload such materials through websites on the internet;

(c) Solicit, enlist, or in any manner, attract or induce any Filipino to become a member in any club or association whose objective is to match Filipino nationals to foreign nationals for the purpose of marriage or common law partnership for a fee; and

(d) To use the postal service or any website on the internet to promote the prohibited acts under this section.

The above notwithstanding, legitimate dating websites, which have for their purpose connecting individuals with shared interests in order to cultivate personal and dating relationships, are not covered by this Act.

SEC. 4. *Penalties.* – Any person found guilty by the court to have committed any of the prohibited acts provided under Section 3 of this Act shall suffer the penalty of imprisonment for 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).

Any person who shall abet or cooperate in the execution of the prohibited acts mentioned in Section 3 of this Act, by previous or simultaneous acts, shall suffer the same penalty provided in the preceding paragraph.

If the prohibited act is committed by a syndicate or committed on a large scale, the offender shall suffer the penalty of twenty (20) years imprisonment and a fine of not less than two million pesos (P2,000,000.00) but not more than five million pesos (P5,000,000.00).

The prohibited act is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another.

The prohibited act is deemed committed on a large scale if committed against three (3) or more persons, individually or as a group.

Any person who has knowledge of the commission of the unlawful acts and profits from it, assists the offender to profit from it, without having participated therein, either as a principal or as an accomplice, shall be punished as an accessory to the offense committed and shall suffer the penalty of ten (10) years imprisonment and a fine of not less than one hundred thousand pesos (P100,000.00) but not more than five hundred thousand pesos (P500,000.00).

If the offender is a foreigner, the offender shall be immediately deported after serving the sentence and payment of fine and shall be barred permanently from entering the country.

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, or any responsible officer who participated in the commission of the prohibited acts or who shall have knowingly permitted or failed to prevent its commission.

The court may also suspend or revoke the license or permit to operate in the Philippines of the advertising agency, newspaper, and magazine publisher, television or radio station, internet websites, or other entities who commit any of the prohibited acts.

SEC. 5. *Confiscation and Forfeiture.* – The court shall order the confiscation and forfeiture of all the proceeds and properties derived from the commission of the prohibited act in favor of the government. All awards for damages shall be taken from the personal and separate properties of the offender and 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, diminished in value, or otherwise rendered worthless by any act or omission, directly or indirectly, by the offender or they have been concealed, removed, converted, or transferred to prevent or 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.

SEC. 6. *Mandatory Programs.* – The government shall establish and implement preventive, protective, and rehabilitative programs for victims of the unlawful acts and practices enumerated in Section 3 of this Act. For this purpose, the following agencies are hereby mandated to implement their respective programs:

(a) Department of Foreign Affairs (DFA) – The DFA shall make available its resources and facilities overseas for victims of mail-order marriage and other similar schemes regardless of their manner of entry to the receiving country. It shall provide Filipino victims overseas with free legal assistance and counsel to pursue legal action against offenders, and represent their interests in any criminal investigation or prosecution. The DFA, in coordination with the Department of Labor and Employment (DOLE), shall likewise provide free temporary shelters and other services to Filipino victims of this Act.

(b) Department of Social Welfare and Development (DSWD) – The DSWD shall implement preventive, protective, and rehabilitative programs for victims. The DSWD, in coordination with the local government units (LGUs), shall likewise provide case management service and develop a system for accreditation among nongovernment organizations (NGOs) for purposes of establishing centers and programs for intervention in various levels of the community. The DSWD shall also provide the following basic services to victims:

(1) Temporary shelter or housing and food;

(2) Psychological support and counseling;

(3) Twenty-four (24)-hour call center for crisis calls and technology-based counseling and referral system;

(4) Assistance in coordination with local law enforcement entities; and

(5) Assistance in coordination with the Department of Justice, among others.

(c) Department of Justice (DOJ) – The DOJ shall ensure the prosecution of the persons accused of violating this Act. It shall also establish a mechanism for free legal assistance for victims in coordination with the DSWD, the Integrated Bar of the Philippines, and other NGOs and volunteer groups.

(d) Philippine Commission on Women (PCW) – The PCW shall, in coordination with relevant government agencies, actively participate in the formulating and monitoring of policies addressing the issue of mail-order marriages and other similar practices. It shall likewise advocate for the inclusion of the issue of mail-order marriages and other similar schemes in both local and international advocacy for women issues.

(e) Commission of Filipino Overseas (CFO) – The CFO shall conduct pre-departure counseling services for Filipinos who have contracted marriages with partners from other countries with different cultures, faiths, and religious beliefs. It shall develop a system for accreditation of NGOs that may be mobilized for purposes of conducting pre-departure counseling services for Filipinos in intermarriages. The CFO shall ensure that the counselors contemplated under this Act shall have the minimum qualifications and training required by law.

Further, the CFO shall collect and analyze pertinent data, statistics, and conduct case studies and research on mail-order spouses. It shall come up with essential analysis and papers to guide concerned agencies in formulating policies. It shall likewise assist in the conduct of information

campaigns against unlawful acts under this Act and other similar schemes in coordination with LGUs, the Philippine Information Agency, and NGOs.

SEC. 7. *Venue.* – A criminal action arising from the violation of this Act shall be filed in the place where the offense was committed, where any of its elements occurred, or where the victim actually resides. The court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

SEC. 8. *Implementing Rules and Regulations.* – Within ninety (90) days from the approval of this Act, the DOJ shall, in coordination with the DFA, DSWD, CFO, the PCW, and NGOs which are engaged in assisting victims of mail-order marriages and other schemes, promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 9. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

SEC. 10. *Repealing Clause.* – Republic Act No. 6955, also referred to as the "Anti-Mail Order Bride Law", is hereby repealed. All other laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

FELICIANO BELMONTE JR.
Speaker of the House of Representatives

FRANKLIN M. DRILON
President of the Senate

Senate Bill No. 3209, which was approved by the Senate on May 23, 2016, was adopted as an amendment to House Bill No. 5572 by the House of Representatives on May 23, 2016.

MARILYN B. BARUA-YAP
Secretary General
House of Representatives

OSCAR G. YABES
Secretary of the Senate

Approved:

BENIGNO S. AQUINO III
President of the Philippines

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Lapsed into law on JUL 21 2016
Without the signature of the President
in accordance with Article VI, Section
27 (1) of the Constitution.