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SENATE

S. NO. 3156

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**Introduced by Senators Antonio "Sonny" F. Trillanes IV, Francis Joseph  
"Chiz" G. Escudero, and Jinggoy Ejercito Estrada**

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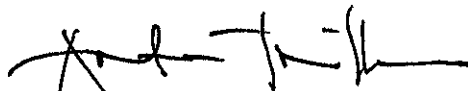
Republic Act No. 9208 otherwise known as the *Anti-Trafficking in Persons Act of 2003* is a landmark piece of legislation, the passage of which was heralded here and abroad.

However, the fight against human trafficking is being unduly hampered by Section 7 of the said law, which needlessly restricts the dissemination of information relating to people accused of trafficking. Said provision likewise appears to unduly impinge on the right of the people to information on matters of public concern and apparently violates the constitutionally preferred right to "*freedom of the press*".

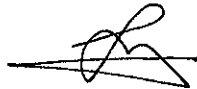
In the light of the increasing cases of human trafficking brought about by the ongoing global financial crisis, the need to warn would-be-victims increasingly appears to be more compelling than the need to protect the identity of people accused of said crime. In any case, the latter have adequate remedies under existing laws.

This Bill aims <sup>to</sup> amend Section 7 of the law by lifting the confidentiality provision favoring persons accused of human trafficking while maintaining the protection intended for victims of this reprehensible offense. This would enable the Government as well as concerned Non-Government Organizations (NGOs) and the media to disseminate vital information in order to forewarn the public from being victimized by persons and/or syndicates engaged in this nefarious trade.

The immediate passage of this Bill is earnestly enjoined.



ANTONIO "SONNY" F. TRILLANES IV




FRANCIS JOSEPH "CHIZ" G. ESCUDERO



JINGGOY EJERCITO ESTRADA

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AN ACT  
AMENDING SECTION 7 OF REPUBLIC ACT NO. 9208 OTHERWISE  
KNOWN AS THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003"  
BY REMOVING THE CONFIDENTIALITY PROVISION IN FAVOR OF  
THE ACCUSED AND FOR OTHER RELATED PURPOSES

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

1           **SECTION 1. Amendment of Section 7 of RA No. 9208.** - Section 7 on  
2 Confidentiality of Republic Act No. 9208 otherwise known as the Anti-  
3 Trafficking in Persons Act of 2003 is hereby amended to read as follows, to wit:

4  
5           *"SEC. 7. Confidentiality. - At any stage of the*  
6           *investigation, prosecution and trial of an offense under this Act,*  
7           *law enforcement officers, prosecutors, judges, court personnel and*  
8           *medical practitioners, as well as parties to the case, shall*  
9           *recognize the right to privacy of the trafficked person [and the*  
10           *accused]. Towards this end, law enforcement officers, prosecutors*  
11           *and judges to whom the complaint has been referred may,*  
12           *whenever necessary to ensure a fair and impartial proceeding, and*  
13           *after considering all circumstances for the best interest of the*  
14           *parties, order a closed-door investigation, prosecution or trial.*  
15           *The name and personal circumstances of the trafficked person [or*

1           *of the accused,] or any other information tending to establish HIS*  
2           *OR HER IDENTITY [their identities] and such circumstances or*  
3           *information shall not be disclosed to the public.*

4  
5           *“In cases when prosecution or trial is conducted behind*  
6           *closed-doors, it shall be unlawful for any editor, publisher, and*  
7           *reporter or columnist in case of printed materials, announcer or*  
8           *producer in case of television and radio, producer and director of*  
9           *a film in case of the movie industry, or any person utilizing tri-*  
10          *media facilities or information technology to cause publicity of*  
11          *THE NAME AND PERSONAL CIRCUMSTANCES OF THE*  
12          *TRAFFICKED PERSON OR ANY OTHER INFORMATION*  
13          *TENDING TO ESTABLISH HIS OR HER IDENTITY [any case of*  
14          *trafficking in persons] EXCEPT WHEN THE TRAFFICKED*  
15          *PERSON EXPRESSLY AGREES OR CONSENTS TO SUCH*  
16          *PUBLICITY.”*

17

18           **SEC. 2. Amendment of the Implementing Rules and Regulation. -**

19          Within thirty (30) days from the enactment of this Act, the Inter-Agency Council  
20          Against Trafficking created pursuant to RA No. 9208 shall convene to introduce  
21          and adopt the appropriate amendments to the Implementing Rules and  
22          Regulations of the law to reflect the amendments introduced in the immediately  
23          preceding section.

24           **SEC. 3. Separability Clause. -** If any provision, part or portion of this  
25          Act shall be held invalid, the validity of the other provisions, parts or portions of  
26          the Act shall not be affected thereby.

1           **SEC. 4. *Repealing Clause.*** - All laws, executive issuances, orders and  
2 rules and regulations contrary to or inconsistent with this Act, or any part thereof,  
3 are hereby repealed, amended and/or modified accordingly.

4           **SEC. 5. *Effectivity.*** - This Act shall take effect upon its publication in the  
5 *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,