



HOUSE OF REPRESENTATIVES

H. No. 5572

BY REPRESENTATIVES CRUZ-GONZALES, VARGAS, ROMUALDO, SANTIAGO,
ILAGAN, GERONA-ROBREDO, DE JESUS, PERNES, LACSON-NOEL,
VILLARICA, ERMITA-BUHAIN AND DE VENECIA, PER COMMITTEE
REPORT NO. 612

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:*

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

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of
4 the State to guarantee the enjoyment of the people to freely choose their
5 lifetime partner. Towards this end, the State shall prevent the exploitation of
6 Filipinos, and protect them from unlawful practices, businesses, and schemes
7 which offer Filipinos for marriage to unscrupulous foreign nationals and
8 expose them to abuse, exploitation, prostitution, and violent situations.

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

4 (a) Engage in any business or scheme which has for its purpose the
5 matching or offering of a Filipino to foreign national for the purpose of
6 marriage or common law partnership on a mail-order basis or through
7 personal introduction, email, or websites in the internet;

8 (b) Exhibit, advertise, publish, print or distribute, or cause the
9 exhibition, advertisement, publication, printing, or distribution of any
10 brochure, flier or any propaganda materials which are calculated to promote
11 the prohibited acts in the preceding paragraph, or to post, advertise or upload
12 such materials through a website in the internet;

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

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

19 SEC. 4. *Penalties.* – Any person found guilty by the court to have
20 committed any of the prohibited acts provided under Section 3 of this Act
21 shall suffer the penalty of imprisonment for fifteen (15) years and a fine of not
22 less than five hundred thousand pesos (P500,000.00) but not more than one
23 million pesos (P1,000,000.00).

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

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

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

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

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

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

19 If the offender is a corporation, partnership, association, club,
20 establishment, or any juridical person, the penalty shall be imposed upon the
21 owner, president, partner, manager, or any responsible officer who
22 participated in the commission of the prohibited acts or who shall have
23 knowingly permitted or failed to prevent its commission.

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

1 *SEC. 5. Confiscation and Forfeiture.* – The court shall order the
2 confiscation and forfeiture of all the proceeds and properties derived from the
3 commission of the prohibited act in favor of the government. All awards for
4 damages shall be taken from the personal and separate properties of the
5 offender and if such properties are insufficient, the balance shall be taken from
6 the confiscated and forfeited properties.

7 When the proceeds, properties and instruments of the offense have been
8 destroyed, diminished in value, or otherwise rendered worthless by any act or
9 omission, directly or indirectly, by the offender or they have been concealed,
10 removed, converted, or transferred to prevent or avoid forfeiture or
11 confiscation, the offender shall be ordered to pay the amount equal to the value
12 of the proceeds, property, or instruments of the offense.

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

18 (a) Department of Foreign Affairs (DFA). – The DFA shall make
19 available its resources and facilities overseas for victims of mail-order marriage
20 and other similar schemes regardless of their manner of entry to the receiving
21 country. It shall provide Filipino victims overseas with free legal assistance
22 and counsel to pursue legal action against offenders, represent their interests in
23 any criminal investigation or prosecution, and assist in the application for
24 social benefits or regular immigration status as may be allowed or provided for
25 by the host country.

26 (b) Department of Social Welfare and Development (DSWD). – The
27 DSWD shall implement preventive, protective, and rehabilitative programs for
28 victims. It shall provide case management service and temporary shelter to

1 victims and develop a system for accreditation among nongovernment
2 organizations (NGOs) for purposes of establishing centers and programs for
3 intervention in various levels of the community. It shall establish free
4 temporary shelters, for the protection and housing of victims to provide the
5 following basic services:

6 (1) Temporary shelter and food;

7 (2) Psychological support and counseling;

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

10 (4) *Coordination with local law enforcement* entities; and

11 (5) Coordination with the Department of Justice, among others.

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

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

23 (e) Commission on Filipinos Overseas (CFO). – The CFO shall
24 conduct predeparture counseling services for Filipinos who have contracted
25 marriages with partners from other countries with different cultures, faiths
26 and religious beliefs. It shall develop a system for accreditation of NGOs that
27 may be mobilized for purposes of conducting predeparture counseling services

1 for Filipinos in intermarriages. The CFO shall ensure that the counselors
2 contemplated under this Act shall have the minimum qualifications and
3 training required by law. It shall likewise assist in the conduct of information
4 campaigns against unlawful acts under this Act and other similar schemes in
5 coordination with local government units, the Philippine Information Agency
6 and NGOs.

7 SEC. 7. *Extraterritorial Jurisdiction.* – The State shall exercise
8 jurisdiction over any crime defined and penalized under this Act, even if
9 committed outside the Philippines and whether or not the same constitutes an
10 offense at the place of commission, the crime being a continuing offense,
11 having been commenced in the Philippines and other elements having been
12 committed in another country, under the following circumstances:

- 13 (a) The offender is a Filipino citizen;
14 (b) The offender is a permanent resident of the Philippines; or
15 (c) The offender is accused of committing the prohibited act against a
16 citizen of the Philippines.

17 No prosecution may be commenced against a person under this section
18 if a foreign government, in accordance with jurisdiction recognized by the
19 Philippines, has prosecuted or is prosecuting such person for the offense.

20 The government may surrender or extradite persons accused of
21 violation of this Act to the appropriate international court or to another State
22 pursuant to the applicable extradition laws and treaties.

23 SEC. 8. *Venue.* – A criminal action arising from the violation of this
24 Act shall be filed in the place where the offense was committed, where any of
25 its elements occurred or where the victim actually resides. The court where
26 the criminal action is first filed shall acquire jurisdiction to the exclusion of
27 other courts.

1 SEC. 9. *Implementing Rules and Regulations.* – Within ninety (90)
2 days from the approval of this Act, the Secretary of Foreign Affairs shall, in
3 coordination with the DOJ, the DSWD, the CFO, the PCW, and NGOs which
4 are engaged in assisting victims of mail-order marriages and other schemes,
5 promulgate the necessary rules and regulations for the effective
6 implementation of this Act.

7 SEC. 10. *Separability Clause.* – If any provision of this Act is
8 declared unconstitutional, the remainder of this Act or any provision not
9 affected thereby shall remain in full force and effect.

10 SEC. 11. *Repealing Clause.* – Republic Act No. 6955, also referred to
11 as the “Anti-Mail Order Bride Law”, is hereby repealed. All other laws,
12 decrees, executive orders, rules and regulations or parts thereof inconsistent
13 with the provisions of this Act are hereby repealed or modified accordingly.

14 SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after
15 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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