

SENATE
S.B. No. 1914

'18 AUG -6 P 3 :13

Introduced by Senator Ana Theresia "Risa" Hontiveros-Baraquel

AN ACT
ADDRESSING THE SYSTEM OF PROSTITUTION, IMPOSING PENALTIES ON ITS
PERPETRATORS, PROVIDING PROTECTIVE MEASURES AND SUPPORT SERVICES
FOR ITS VICTIMS, AND DECRIMINALIZING VAGRANCY, REPEALING FOR THE
PURPOSE ARTICLES 202 AND 341 OF THE REVISED PENAL CODE AND AMENDING R.A.
9208,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The State values the dignity of every human person and guarantees full respect for individual human rights. Further, the Constitution provides that Congress shall give highest priority to the enactment of laws that protect and enhance the rights of all people to human dignity and protect the people from any threat of violence and exploitation.

As a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the State shall undertake, among other things, to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Moreover, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others requires the Philippines as a state party, to punish any person who "procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person," "exploits the prostitution of another person, even with the consent of that person", or runs a brothel or rents accommodations for prostitution purposes." It further states that "prostitution and the accompanying evil of the traffic in person and endanger the welfare of the individual, the family and the community."

Republic Act No. 9710 or the Magna Carta of Women (MCW) which is the Philippines' local translation of CEDAW recognizes that prostitution is an act of violence against women (VAW) from which women should be protected. It also provides for the amendment or repeal of laws that are discriminatory to women which, among others, include Article 202 of the Revised Penal Code (RPC) on the definition of prostitution.

Republic Act No. 9208 or the Anti-Trafficking in Persons Act, as amended by Republic Act No. 10364 also recognizes prostitution as a form of exploitation but fails to fully address the criminal liability of customers. Criminal liability is restricted to customers for they will only be prosecuted if they knew that the prostituted women had been trafficked, in which case big evidentiary problems may arise and customers are very unlikely to report suspicions about trafficking if doing so will expose them to prosecution. It is therefore recognized that trafficking does not always the ordinary pattern of supply and demand, unlike prostitution.

Republic Act No. 10158 or an An Act Decriminalizing Vagrancy only repealed Article 202 provisions in the RPC that pertain to vagrancy, leaving behind the provision that penalizes prostituted women, notwithstanding their exploitation in the prostitution. The existing provision on prostitution is discriminatory against women since their being prostituted treats them as criminals when they, in fact, are the ones exploited and victimized. Law enforcement and legal sanctions are exclusively focused on prostituted women and not those who exploit them and create the demand side of prostitution like the pimps, customers or buyers of sex, exploiters, and brothel owners, among others.

As it is in prostitution, the women and children are considered commodities that are acquired in exchange for money, made to perform unwanted sexual acts, violently abused and sometimes killed. Because of current laws on prostitution, the victims' rights are violated several times more as law enforcers arrest and sexually abuse the women and children, extract money from them and imprison them, away from their families.

In a 1998 report of the ILO, it was estimated that there were about 100,000 to 600,000 prostituted persons in the Philippines. Of this number, an estimated 60,000 to 100,000 are prostituted children, according to UNICEF and non-governmental organizations. Annually, it is also estimated that 3,266 children are being brought to prostitution. A 2009 study by Magnolia Yrasuegui and Priya Esselborn of Deutsche Welle entitled "Philippines: Women Struggling to Achieve Sexual Equality," revealed that there were around 800,000 prostituted persons in the country where half of them are children. The Philippines ranked fourth among nine nations with the most number of children in prostitution as revealed in a 1997 study of UNICEF.

Prostitution is always viewed as a problem about women and children – those usually bought. However, it is also a problem about business establishments and about the buyers, who are predominantly men.

When prostitution is solely seen as a problem about women, they are the ones questioned and subsequently stigmatized. This law seeks to shift the accountability from the bought to the business and the buyers who really gain from the system of prostitution.

These violations of human rights against the victims in prostitution have been going on with impunity. Prostitution has been normalized even as its victims die slowly from the harms and the violence within prostitution.

International instruments such as the 1949 Convention for the Suppression of Prostitution and the Convention for the Elimination of Discrimination Against Women clearly encourages states to stop violence against women, including and in particular all forms of sexual exploitation. As a party to the Convention, the Philippine State, is therefore obliged to institute mechanisms to eliminate various forms of sexual exploitation, including prostitution.

This bill seeks to decriminalize the prostituted person and address the demand side of prostitution by shifting the criminal liability from the prostituted persons to those who exploit persons in prostitution and broaden the base of illegality of the said act. This also proposes protection and institutionalization of support services for victims or persons exploited in prostitution such as counseling, legal services, medical or psychological services, emergency shelter, livelihood skills training, and educational assistance, among others.

Several legislative measures repealing Article 202 of the RPC and enacting a new anti-prostitution law were filed since the previous Congresses but were not approved. Hence the immediate passage of this bill is earnestly requested.

In view of the need to eliminate prostitution and to penalize its perpetrators and patrons, the immediate passage of this bill is earnestly urged.

as Hontiveros Paraquel
Ana Theresia "Risa" Hontiveros-Paraquel

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PERPETRATORS, PROVIDING PROTECTIVE MEASURES AND SUPPORT SERVICES
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PURPOSE ARTICLES 202 AND 341 OF THE REVISED PENAL CODE AND AMENDING R.A.
9208,
AND FOR OTHER PURPOSES

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 Anti-Prostitution Act of 2010.”

SECTION 2. Declaration of Policies. – The State:

(a) values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the Constitution provides that the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity and protect the people from any threat of violence and exploitation. The State, consistent with the Magna Carta of Women (MCW), also recognizes that prostitution is a human rights violation and women and children are systematically victimized and sexually exploited, and declares its commitment to eliminate prostitution, not only to support persons exploited in prostitution but more importantly, to ensure recovery, rehabilitation and reintegration into the mainstream society.

(b) In accordance with the relevant international instruments, recognizes the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, Convention Against Transnational Organized Crime including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other international human rights instruments of which the Philippines is a party, declares its commitment to end the continuing sexual exploitation of women, men, and children and all forms of gender-based violence by creating an enabling environment where the human rights of women and children are promoted, protected, and fulfilled.

(c) recognizes prostitution as a human rights violation that calls for coordinated and sustained response from all agencies of government as well as non-governmental organizations that comprehensively addresses the factors that perpetuate sexual exploitation.

1 (d) recognizes that women and children are systematically victimized by and in the
2 system of prostitution and must, therefore, be given protection and support by the State,
3 instead of being treated as offenders;

4
5 (e) recognizes that eliminating prostitution is essential for women and children to
6 genuinely and meaningfully participate in nation-building; and

7
8 (f) recognizes that the law on vagrancy has outlived its usefulness and that vagrants
9 should be looked upon not as common criminals but as victims of their ill circumstance.

10
11 **SECTION 3. Definition of Terms.** – The following terms are defined for purposes of this
12 Act:

13
14 (a) *Prostitution* – any act, transaction, scheme or design involving the use **OR**
15 **EXPLOITATION** of a person, whether through the performance of such act or mere
16 demonstration thereof, whether woman, man or child, for the sexual gratification or
17 pleasure of another in exchange for money or checks, profit or other consideration, or any
18 act that promotes or facilitates the accomplishment of the said act, transaction, scheme or
19 design.

20
21 (b) *Person in prostitution or prostituted person* – refers to a woman, man or child
22 used, exploited, acquired, obtained, provided, offered, sold, bought, or hired for another
23 person's sexual gratification or pleasure and for the monetary gain or profit of others.

24
25 (c) *Child* – refers to any person below eighteen (18) years of age or one who is over
26 eighteen (18) but is unable to fully take care of or protect himself/herself from abuse,
27 neglect, cruelty, exploitation or discrimination because of a physical or mental disability or
28 condition.

29
30 (d) *Sexual exploitation* – refers to the practice by which women are sexually
31 subjugated through abuse or violation, either overt or covert, of women's sexuality and
32 physical or mental integrity, as a means of achieving power and domination, including
33 gratification, financial gain, and advancement.

34
35 (e) *Sexual act* – refers to sexual intercourse, including genital-to-genital, oral-to-
36 genital, anal-to-genital, or oral-to-anal intercourse or contact, insertion of any instrument
37 or object into the genital or anal orifice of any person, bestiality, masturbation, lap dance,
38 sadistic or masochistic abuse, exhibition of the genitals or pubic area of any person, and
39 other acts of a sexual nature, whether the same is made between persons of the same or
40 opposite sex.

41
42 (f) *Establishment* – refers to any business or enterprise, including, but not limited to,
43 sauna, bath, massage parlor, discotheque, bar, restaurant, resort, lodging house, motel,
44 hotel, theater, ship, vessel, cab or taxi, or any other vehicle, or any dwelling, house, jail,
45 detention center, structure or building serving as a cover or venue for prostitution, or any
46 group, association or organization that engages in prostitution activities.

47
48 (g) *Cult* – refers to, but not limited to fanatic groups that entice, recruit, condition
49 any person to become sexual offerings in organizational rituals or in other circumstances
50 as part of membership requirements.

51
52 **SECTION 4. Acts of Prostitution.** – Prostitution is a crime committed by:

53
54 (a) Any person who gives or delivers money or any other consideration in exchange
55 for the actual performance or mere demonstration of a sexual act by a person exploited in

1 prostitution, regardless of whether or not the person giving or delivering money or any
2 other consideration is the recipient of such a sexual act;

3
4 (b) any person who is a recipient of a sexual act, whether or not such a recipient has
5 directly given or delivered money or any other consideration for the procurement of a
6 person exploited in prostitution; provided that the person he is receiving sexual acts from
7 was paid for or given any other consideration by any person to do such acts to the
8 recipient.

9
10 (c) Any person, such as a pimp, trafficker or any prostitution establishment owner,
11 who offers another for sexual exploitation in exchange for money or any other
12 consideration;

13
14 (d) any person who induces, persuades, grooms, entices, compels, kidnaps, recruits
15 or in any manner procures or causes a person to serve and/ or be sold in an establishment
16 or in the streets, knowing that the same is involved in prostitution activities or when s/he
17 has reasonable cause to believe that such establishment or person is involved in said
18 activities;

19
20 (e) any person who organizes or arranges travel tours and/or tourism-related
21 activities that involve the sexual exploitation of any person or the escort services of any
22 person who is expected to perform the sexual acts as defined in this Act;

23
24 (f) any person who as part of cult or religious obligation uses, entices, recruits, or
25 offers any person as sexual offering or favor to other members of the cult or religious
26 organization;

27
28 (g) any person who uses information technology or any form of media for the
29 purposes of prostitution;

30
31 (h) any person who derives profit or advantage from any of the prohibited acts
32 defined in this Section such as a pimp, owner, operator, manager, head, director, officer or
33 agent of the establishment where the prostitution activity takes place, or of the
34 establishment serving as a cover or venue for such prostitution activity, or aiding another
35 establishment or person involved in any prostitution activity;

36
37 (i) any person who leases, subleases, or in any manner allows the use of any
38 dwelling, house, structure, building, land or any other property knowing that the
39 lessee/sub-lessee intends to use or uses it for prostitution activities as defined in this
40 Section. For the purposes of this paragraph, the owner of the dwelling, house structure,
41 building, land or any other property used for prostitution and his/her agent shall be
42 presumed to have knowledge that the place is being used or intended to be used or
43 intended to be used for prostitution unless s/he disproves it;

44
45 (j) any member of the military or police establishment, or any government official or
46 employee, or any person in authority who commits, causes, or promotes, facilitates, allows,
47 or tolerates the commission of any of the acts defined in this Section, or who, in any
48 manner, provides protection to the perpetrators of the said acts.

49
50 (k) any official or employee of any jail or detention center or any person connected
51 thereto who commits, causes, promotes, facilitates, allows or tolerates the commission of
52 any of the acts defined in this section upon inmates or who, in any manner, provides
53 protection to the perpetrators of the said act.

1 For purposes of this Section, it is understood that the prohibited acts of prostitution
2 may be committed in any establishment as defined in Section 3(f) above or in any other
3 place not otherwise mentioned in Section 3(f).
4

5 Furthermore, an attempt to commit any of the acts defined in this Section is also
6 prohibited.
7

8 **SECTION 5. Persons Exploited in Prostitution as Victims.** – Any woman, man or child,
9 regardless of sexual orientation or gender identity, used, exploited, acquired, obtained,
10 provided, offered, sold, bought or hired for another person's sexual gratification, pleasure
11 and/or exploitation and for the monetary gain or profit of others, as defined in Section 4 of
12 this Act, shall be treated as victims of prostitution. As such, they shall not incur any
13 criminal liability under this Act.
14

15 In addition, the consent of the person exploited in prostitution to the commission of
16 any of the acts defined in Section 4 of this Act shall not in any way exempt the offender
17 from, or mitigate his/her, criminal liability. Prostituted persons shall not be penalized for
18 unlawful acts committed as a direct result of, or as an incident or in relation to, being
19 prostituted, or in obedience to the order made by the offender in relation to any of the acts
20 defined in Section 4 of this Act.
21

22 **SECTION 6. Penalties and Sanctions.** –
23

24 (a) any person found guilty of the acts defined in Section 4 shall suffer the penalty of
25 imprisonment of twenty (20) years and a fine of not less than one million pesos (P1, 000,
26 000.00) but not more than two million pesos (P2, 000, 000.00);
27

28 (b) any person guilty of attempting to commit any of the prohibited acts shall suffer
29 the penalty of imprisonment of fifteen (15) years and a fine of not less than five hundred
30 thousand pesos (P500, 000.00) but not more than one million pesos (P1, 000, 000.00);
31

32 (c) when the offender is any establishment as defined in this Act, the penalty shall
33 be imposed upon the pimps, owner and operator or manager, or the directors and officers,
34 or the responsible officers or agents of the establishment, corporation, partnership, or
35 association found to be engaged in any of the acts defined in Section 4 of this act.
36

37 In addition, the establishment, corporation, partnership or association shall be
38 immediately closed and its registration and/or license to operate shall be revoked. A sign
39 with the words "off limits" shall be conspicuously displayed outside the establishment by
40 the Department of Social Welfare and Development for such period as the Department may
41 determine, which shall not be less than one year. The unauthorized removal of such sign
42 shall be punishable by imprisonment of six months.
43

44 (d) when the offender is a foreigner, s/he shall be deported immediately after
45 service of sentence and permanently barred from entry into the country;
46

47 (e) any person found guilty of committing or attempting to commit any of the
48 prohibited acts under Section 4 shall, in addition to the penalties stated in this section,
49 undergo, counseling, rehabilitation and mandatory education on the human rights situation
50 of victims of prostitution with DSDW for a period of not less than three (3) months but not
51 longer than one (1) year with the DSWD. The DSWD shall submit to the court a report on
52 the rehabilitation of the offender.
53
54

1 **SECTION 7. Civil Liability for Prostitution.** – Persons exploited in prostitution may file
2 independent civil cases for damages against the persons, natural or juridical, responsible
3 for their exploitation.
4

5 Provinces, cities and municipalities shall be liable for damages, in addition to any
6 other criminal or administrative liability under existing laws, to persons exploited in
7 prostitution when it is proven that the responsible authorities had knowledge or were
8 informed of the activities constituting prostitution but did not take proper action within a
9 reasonable period of time. For purposes of this Section, the responsible authorities shall be
10 deemed to have knowledge of the prostitution activities when the same are common
11 knowledge in the community.
12

13 **SECTION 8. Prosecution of Cases.** - Any person who has personal knowledge of the
14 commission of any offense under this Act, or the person exploited in prostitution, the
15 parents, spouse, siblings, children or legal guardian, or the law enforcement agencies, or
16 the Task Force created under this Act may file a complaint for prostitution.
17

18 **SECTION 9. Venue.** - A criminal action arising from a violation of this Act shall be filed
19 where the offense was committed, or where any of its elements occurred, or where the
20 person exploited in prostitution actually resides at the time of the commission of the
21 offense; provided, that the court where the criminal action is first filed shall acquire
22 jurisdiction to the exclusion of other courts.
23

24 **SECTION 10. Prescriptive Period.** - Cases under this Act shall prescribe in TWENTY-
25 FIVE (25) years. The prescriptive period shall commence to run from the day on which the
26 person exploited in prostitution is delivered or released from the situation of exploitation
27 and shall be interrupted by the filing of the complaint or information and shall commence
28 to run again when such proceedings terminate without the accused being convicted or
29 acquitted or are unjustifiably stopped for any reason not imputable to the accused.
30

31 **SECTION 11. Exemption from Filing Fees.** – When the victim of prostitution institutes a
32 separate civil action from the recovery of civil damages, s/he shall be exempt from the
33 payment of filing fees.
34

35 **SECTION 12. Confiscation And Forfeiture Of The Proceeds And Instruments Derived**
36 **From Prostitution.**- In addition to the penalty imposed for the violation of this Act, the
37 Court shall order the confiscation and forfeiture, in favor of the government, of all the
38 proceeds and properties derived from the commission of the crime, unless they are the
39 property of a third person not liable for the unlawful act: provided, however, that all
40 awards for damages shall be taken from the personal and separate properties of the
41 offender: provided, further, that if such properties are insufficient, the balance shall be
42 taken from the confiscated and forfeited properties.
43

44 When the proceeds, properties and instruments of the offense has been destroyed,
45 diminished in value or otherwise rendered worthless by any act or omission, directly or
46 indirectly, of the offender, or it has been concealed, removed, converted or transferred to
47 prevent the same from being found or to avoid forfeiture or confiscation, the offender shall
48 be ordered to pay the amount equal to the value of the proceeds, property or instruments
49 of the offense.
50

51 **SECTION 13. Trust Fund.** – All fines imposed under this Act and the proceeds and
52 properties forfeited and confiscated pursuant to Section 12 hereof shall accrue to a Trust
53 Fund to be administered by the Council to be used exclusively for programs that will
54 prevent prostitution and protect, heal and reintegrate prostituted persons into the
55 mainstream of society. Such programs shall include but not limited to those provided for
56 under Section 20 of this Act.

SECTION 14. Human rights of persons exploited in prostitution. – Persons exploited in prostitution have human rights that must be respected, protected and promoted by all branches, agencies and instrumentalities of the government in law enforcement drives, criminal prosecution, civil suits, service provision, and program development and implementation. These rights include, but are not limited to:

- (a) the right to be treated as human beings;
- (b) the right to dignity and security of person;
- (c) the right against any form of discrimination;
- (d) the right to equal protection of the law;
- (e) the right to be protected from abuse and exploitation;
- (f) the right to seek redress for violations of their rights and to have their complaints appropriately addressed;
- (g) the right to fair and humane treatment;
- (h) the right to sensitive and appropriate legal, health, and other social services;
- (I) the right to organize themselves and fight for their legitimate concerns; and
- (j) the right to be consulted on any governmental initiative affecting them.

Persons exploited in prostitution shall not be detained on the occasion of on by reason of a raid or in the name of law enforcement. There shall be at least one social worker or one representative from a non-governmental organization known to be working with women exploited in prostitution present during raids.

During raids of establishment, and at any stage of the investigation, prosecution and trial of complaints for violation of this Act, law enforcers, prosecutors and judges shall not disclose to the public the name, personal circumstances and other information that will establish the identity of the person exploited in prostitution, unless the latter consents thereto in writing.

It shall also be the duty of law enforcers to ensure that persons exploited in prostitution are not exposed to the media on the occasion of a raid. Law enforcers who allow or facilitate the exposure to the media of persons exploited in prostitution shall suffer the penalty of six (6) months imprisonment, without prejudice to the filing of other criminal, civil and administrative charges under applicable laws.

SECTION 15. Confidentiality. - At any stage of the investigation, rescue, prosecution and trial of an offense under this Act, law enforcement officers, lawyers, judges, court personnel, social workers and medical practitioners, as well as parties to the case, shall protect the right to privacy of the person exploited in prostitution. Towards this end, law enforcement officers, prosecutors and judges to whom the complainant has been referred may, whenever necessary to ensure a fair and impartial parties, order a closed-door investigation, prosecution trial. The name and personal circumstances of the person exploited in prostitution or any other information tending to establish his or her identity and his or her family shall not be disclosed to the public.

It shall be the responsibility of any journalist, reporter, editor, publisher or producer of print and broadcast media to protect the identity and privacy of persons exploited in prostitution, most particularly on the occasion of a raid or rescue operation. Any journalist, reporter, editor, publisher or producer of print and broadcast media who exposes to the public the identity of any person exploited in prostitution without her or his consent thereto in writing, or causes the publication of any picture or video that violates the dignity

1 and other human rights of the person exploited in prostitution, shall suffer the penalty of
2 imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos
3 (P500,000.00) but not more than One million pesos (P1,000,000.00). In addition, the owner
4 or publisher of the print or broadcast media found guilty of the violation shall pay a fine of
5 five hundred thousand pesos (P500,000.00). This shall be without prejudice to the right of
6 persons exploited in prostitution to file a civil action for damages for the violation of their
7 human rights or for any injury caused them by the publication.
8

9 **SECTION 16. Entrapment prohibited.** - Law enforcers shall not use entrapment as a
10 method in law enforcement activities when the same will involve the sexual exploitation of
11 persons as defined in Section 3(b) of this Act. A law enforcement officer who resorts to this
12 method shall suffer the penalty of eight (8) years imprisonment.
13

14 **SECTION 17. Requirements for hotels, motels and lodging houses.** - Notwithstanding
15 any legislation, ordinance or rule to the contrary, every hotel, motel or lodging area shall:
16

17 (a) maintain a reception and registration area for guests and patrons that is readily
18 within the public view;

19 (b) maintain open garages, or those that do not have doors or any closing
20 mechanism;

21 (c) maintain good lighting in all its entrances, exists, driveways and garages.
22

23 No hotel, motel or lodging house shall be allowed to operate in any part of the
24 Philippines without complying with the preceding requirements.
25

26 For the purpose of this Section, hotels, motels and lodging houses already operating
27 shall have six (6) months from the effectivity of this Act to comply with this provision.
28 Failure of any hotel, motel and lodging house to comply with this Section shall result in the
29 cancellation of their license or permit to operate.
30

31 **SECTION 18. Responsibilities of local government units in anti-prostitution efforts.** -
32 Local government units shall exercise their powers to curb prostitution within their
33 respective jurisdictions. It shall be unlawful for any local government unit to issue licenses
34 or permits for the operation of any establishment that is used or intended to be used for
35 any prostitution activity. Any such license or permit already issued prior to the effectivity
36 of this Act shall be deemed automatically revoked or cancelled and shall not be renewed.
37

38 Their responsibility shall include conducting public information campaign against
39 prostitution, carrying out rescue operations and ensuring the safety or security of victims
40 of prostitution.
41

42 Local government units may employ elements of the National Bureau of
43 Investigation (NBI) or the Philippine National Police (PNP) as provided for under Republic
44 Act No. 6975, as amended by Republic Act No. 8551.
45

46 The national government shall ensure that local government units conscientiously
47 engage in anti-prostitution activities, provide support for the same, and intervene when
48 necessary.
49

50 **SECTION 19. The National Anti-Prostitution Council.** - There shall be a National Anti-
51 Prostitution Council composed of the Department of Social Welfare as the lead agency and
52 shall have as members the following:
53

54 (a) Department of Social Welfare and Development (DSWD) as lead agency

55 (b) Philippine Commission on Women (PCW)

56 (c) Department of Labor and Employment (DOLE)

- (d) Technical Education and Skills Development Authority (TESDA)
- (e) Department of Education (DepEd)
- (f) National Economic Development Authority (NEDA)
- (g) Department of Health (DOH)
- (h) Department of Interior and Local Government (DILG)
- (i) Department of Justice (DOJ)
- (j) Department of Tourism (DOT)
- (k) National Bureau of Investigation (NBI)
- (l) Philippine National Police (PNP)
- (m) three (3) non-government organizations (NGOs) to be selected by NGOs providing support services to victims of prostitution
- (n) three (3) representatives of persons exploited in prostitution

The National Anti-Prostitution Council shall perform the following functions:

i. develop a program addressing prostitution and the needs of persons exploited in prostitution and those vulnerable to be exploited in prostitution. The program shall include public information and education campaign against prostitution, crisis intervention service, education assistance, socio-economic assistance such as sustainable livelihood skills training and financial support for scale businesses, and integration and complete after-care programs for persons exploited in prostitution, among others;

ii. identify and, if necessary, create centers in strategic places all over the Philippines that will provide health services, including counseling and therapy, temporary shelters and other crisis intervention services to persons exploited in prostitution. The rape crisis centers established under Republic Act No. 8505 and the hospital-based protection units for women and children may also serve as centers servicing persons exploited in prostitution. Each center shall establish a network of health care and other service providers to address the needs of persons exploited in prostitution;

iii. ensure that units are created or identified within relevant government agencies, particularly those composing the Council, that shall focus on addressing prostitution and the needs of persons exploited in prostitution. This shall include units within the National Prosecution Service Offices in local government units that shall specifically focus on the prosecution of offenders under this Act;

iv. ensure that relevant government agencies work in close coordination with each other in addressing prostitution and the needs of persons exploited in prostitution;

v. develop and implement a training program for law enforcers, public prosecutors, judges, government lawyers, government health care providers, social workers and barangay officials that aims to increase their understanding of prostitution as a system, and equip them with the perspective and skills to appropriately address the needs of persons exploited in prostitution, respect, protect and promote their human rights, and pursue the prosecution of offenders;

vi. ensure that local counterparts of the council are created in every municipality, city and province;

vii. undertake and lead the prosecution of any violation of this Act; and

viii. promulgate, when necessary, rules and regulations for the effective implementation and enforcement of this Act.

ix. continuously conduct surveillance and monitor establishments, tourist spots and disaster areas to prevent prostitution. They shall promptly investigate any establishment

1 suspected to be engaged in prostitution and shall take appropriate measures, in
2 coordination with the local government unit concerned and other relevant government
3 agencies, for the speedy prosecution of the offenders.

4
5 x. undertake corrective and enforcement measures to stop activities in tourism
6 constituting, promoting or facilitating prostitution in consultation with government
7 agencies and non-governmental organizations (NGOs) working for the elimination of
8 prostitution.

9
10 **SECTION 20. Mandatory services to victims of prostitution.** – To ensure healing,
11 recovery, rehabilitation and reintegration into the mainstream of society, concerned
12 government agencies, particularly the members of the Council, shall make available the
13 following services to trafficked and prostituted persons:

- 14
15 (a) Counseling;
16
17 (b) Free legal services which shall include information about the victim's rights, the
18 procedure for filing complaints, claiming compensation and other legal
19 remedies to them;
20
21 (c) Emergency shelter or appropriate housing;
22
23 (d) Medical or psychological services;
24
25 (e) Livelihood and skills training; and
26
27 (f) Assistance to enter or re-enter school or adult education.

28
29 **SECTION 21. Mechanisms for Implementation and Monitoring.** — The government
30 shall establish and implement preventive, protective and rehabilitative programs for
31 persons in prostitution. For this purpose, mandatory and necessary services for persons in
32 prostitution must be included in the programs, projects and activities of the following
33 agencies:

- 34 (a) Department of Social Welfare and Development (DSWD);
35 (b) Department of Justice (DOJ);
36 (c) Department of the Interior and Local Government (DILG);
37 (d) Department of Health (DOH);
38 (e) Department of Tourism (DOT);
39 (f) Department of Labor and Employment (DOLE);
40 (g) Department of Education (DepEd);
41 (h) Philippine Commission on Women (PCW);
42 (i) National Bureau of Investigation (NBI);
43 (j) Philippine National Police (PNP);
44 (k) Bureau of Immigration (BI);
45 (l) Technical Education and Skills Development Authority (TESDA)

46
47 Agencies mentioned above shall submit to DSWD a report on the actions and
48 programs taken by them relative to and concerning the implementation of the Act within
49 three (3) years from the passage of this Act and every January of each year thereafter.

50
51 **SECTION 22. Comprehensive Recovery, Rehabilitation and Reintegration Program.**
52 — The DSWD, LGUs and other concerned agencies shall develop and implement a
53 comprehensive, gender-sensitive and child friendly program for the recovery,
54 rehabilitation and reintegration of persons exploited in prostitution, such as but not limited
55 to the following:
56

- (a) Implementation of emergency shelter/residential care, educational assistance, livelihood and skills training and other community-based services must be responsive to the specific needs and problems of the persons in prostitution;
- (b) Active involvement and participation of the person in prostitution in the rehabilitation and reintegration process shall be encouraged. In order to empower them and to prevent their revictimization, capability building programs must be provided; and
- (c) Active cooperation and coordination with NGOs and other members of the civil society organizations, including the business community, tourism-related industries as well as the media in the rehabilitation and reintegration of persons in prostitution shall be undertaken.

SECTION 23. Roles and Responsibilities of Local Government Agencies in Anti-Prostitution Efforts. — Local Government Units (LGUs) shall exercise their powers to curb prostitution within their respective jurisdictions. They shall create a local mechanism that shall combat and prevent any act of prostitution in their area. If a local committee dealing with issues related to prostitution such as trafficking and violence against women and their children had already been established, the LGUs shall ensure that programs and services for prostituted persons are integrated in the plan of action of the said committee.

The LGUs shall likewise exercise due diligence in the issuance of licenses or permits for the operation of any establishment that may be used as a front for any prostitution activity. Any such license or permit already issued prior to the effectivity of this Act shall be deemed automatically revoked or cancelled and shall not be renewed.

Other responsibilities of LGUs shall include conducting public information campaign against prostitution, carrying out rescue operations and ensuring the safety or security of victims of prostitution. They may employ elements of the National Bureau of Investigation (NBI) or the Philippine National Police (PNP) as provided under Republic Act No. 6975, as amended by Republic Act No. 8551.

SECTION 24. Immunity from Suit. - No action or suit shall be brought, instituted or maintained in any court or tribunal or before any other authority against any law enforcement officer, social worker or any person acting in compliance with a lawful order from any of the above, for lawful acts done or statements made during an authorized rescue operation, recovery or rehabilitation/intervention, or an investigation or prosecution of a prostitution case.

SECTION 21. Appropriations. - The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following the enactment of this law and every year thereafter.

All local government units are likewise mandated to allot not less than five percent (5%) of their gender and development (GAD) budget and not less than five percent (5%) of the local development fund of local government units (LGUs) for programs, projects and activities aimed to control prostitution activities within their jurisdiction, including the development and conduct of deterrent information campaigns directed to potential and actual buyers of prostitution sex.

SECTION 22. Implementing Rules and Regulations. - The Council shall promulgate the necessary implementing rules and regulation within sixty (60) days from the effectivity of this Act.

SECTION 23. Separability Clause. - If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

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2 **SECTION 24. Repealing Clause.** - Articles 202 and 341 of the Revised Penal Code are
3 hereby repealed. All other laws, decrees, ordinances and rules inconsistent with the
4 provisions of this Act are hereby modified or repealed accordingly.
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6 **SECTION 25. Effectivity Clause.** - This Act shall take effect upon completion of its
7 publication in at least two (2) national newspapers of general circulation.
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10 ***APPROVED,***