

EIGHTEENTH CONGRESS OF THE )  
SENATE OF THE PHILIPPINES )  
*Second Regular Session* )



Senate  
Office of the Secretary

**SENATE**

S. No. 1754

20 JUL 29 P1:41

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Introduced by **SENATOR CYNTHIA A. VILLAR**

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**AN ACT**

**STRENGTHENING REPUBLIC ACT NO. 9208, AS AMENDED BY REPUBLIC ACT NO. 10364, ENTITLED "AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Article II, Section 11 of the 1987 Philippine Constitution enunciates that the State values the dignity of every human person and guarantees full respect for human rights.

Hence, in adherence to this constitutional guarantee, Republic Act (RA) No. 9208 or the Anti-Trafficking in Persons Act of 2003 was enacted to institute policies to eliminate trafficking in persons, especially women and children. It is also in recognition of the Philippine government's responsibility as a signatory to different international commitments, such as the United Nations Universal Declaration on Human Rights, United Nations Convention on the Rights of the Child, and United Nations Convention Against Transnational Organized Crime including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

Children, among others.

In 2013, RA No. 9208 was updated and expanded through the enactment of RA No. 10364 that added accessory and accomplice liability for trafficking syndicates, increased the penalty for the use of trafficked persons, and improved mechanisms for victim protection.

However, even with the existence of laws to curb human trafficking, data shows that such crime continues to propagate. In the 2018 Trafficking in Persons Report in the Philippines that was published by the United States Department of State, the authorities investigated only 488 suspected trafficking cases, which led to the arrest of only 283 suspects.<sup>1</sup> This number of cases may just represent a small fraction of the total number of women and children being actually trafficked considering that United Nations International Children's Fund (UNICEF) estimated that there are around 60,000 to 100,000 victims of child trafficking alone in the Philippines<sup>2</sup>, on top of the number of women trafficking cases.

And with the internet getting more accessible to minors, this online connectivity makes them more susceptible to human trafficking. In 2019, internet penetration reached 70.37% of the population.<sup>3</sup> It can be assumed that a part of this percentage includes a crucial number of children. To support this claim, UNICEF reported in 2019 that online sexual exploitation of children is the leading cybercrime in the Philippines.<sup>4</sup> To reiterate, it is estimated that around 600,000 sexualized photos of Filipino children were bartered and traded based on the data gathered by UNICEF for 2018 alone.<sup>5</sup>

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<sup>1</sup> United Nations High Commissioner for Refugees, "2018 Trafficking in Persons Report - Philippines," accessed July 21, 2020, <https://www.refworld.org/docid/5b3e0aa4a.html>.

<sup>2</sup> United Nations International Children's Fund, "Factsheet: Child Trafficking in the Philippines," accessed July 21, 2020, <https://www.unicef.org/protection/files/ipulocaltrafficking.pdf>

<sup>3</sup> CNN Philippines Staff, "PH Takes Top Spot as Heaviest Internet Users Worldwide - Report," accessed July 21, 2020, <https://cnnphilippines.com/lifestyle/2019/02/01/2019-digital-hootsuite-we-are-social-internet-philippines-facebook.html>

<sup>4</sup> "New Partnership, SaferKidsPH, Addresses Online Child Abuse," UNICEF, July 20, 2020, <https://www.unicef.org/philippines/press-releases/new-partnership-saferkidsph-addresses-online-child-abuse>.

<sup>5</sup> "SaferKidsPH Advocates to Stop Online Sexual Abuse and Exploitation of Children," UNICEF, July 20, 2020, <https://www.unicef.org/philippines/press-releases/saferkidsph-advocates-stop-online-sexual-abuse-and-exploitation-children>.

It is a sad reality that human trafficking perpetrators are taking advantage of technological advancements to conduct their sinister actions and victimize innocent women and children. And this reality calls for a pressing need for legislators to amend the Anti-Trafficking in Persons Act. Without a doubt, the law should be updated and fine-tuned again to cope in addressing human trafficking in this technological age.

This bill aims to strengthen the Anti-Trafficking in Persons Act by providing law enforcement agencies with improved methods that are timely, current, and adaptive to cope with technological advancements in curbing human trafficking crimes.

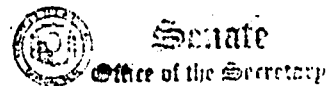
In cases involving child trafficking, a law enforcement officer may track down, intercept, or record with any communications, conversations, discussions, data, information, or messages of at least one person charged with or suspected of trafficking in persons. This can be done through the use of any mode, form, kind or type of electronic or other surveillance equipment or intercepting and tracking devices.

Moreover, this bill seeks to give obligation to internet service providers and tourism-oriented establishments to notify law enforcement agencies within 7 days of any form of child trafficking, child pornography, or any form of sexual exploitation of children committed under their facilities.

The bill aims to upgrade the organization of the Inter-Agency Council Against Trafficking by including the secretaries of the Department of Health, Department of Information and Communications Technology, Department of Transportation, Administrator of the Overseas Workers Welfare Administration and Director of the National Bureau of Investigation as members to ensure more coordinated efforts of the government in its battle against human trafficking.

In view of the foregoing, I recommend the approval of this measure.

  
**CYNTHIA A. VILLAR**



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

1 Section 1. Section 8 of Republic Act No. 9208, as amended, is hereby  
2 amended to read as follows –

3 "Sec. 8. **INVESTIGATION** *Initiation and Prosecution of Cases.* –

4 "(a) *Initiation of Investigation.* – Law enforcement agencies are  
5 mandated to immediately initiate investigation and counter-trafficking-  
6 intelligence gathering upon receipt of statements or affidavit from  
7 victims of trafficking, migrant workers, or their families who are in  
8 possession of knowledge or information about trafficking in persons  
9 cases.

1           **"(B) SURVEILLANCE, INTERCEPTION AND RECORDING OF**  
2           **COMMUNICATIONS. – IN CASES INVOLVING CHILD**  
3           **TRAFFICKING, AND NOTWITHSTANDING THE PROVISIONS OF**  
4           **REPUBLIC ACT NO. 4200 (ANTI-WIRE TAPPING LAW), A LAW**  
5           **ENFORCEMENT OFFICER MAY, UPON A WRITTEN ORDER FROM**  
6           **THE COURT, TRACK DOWN, INTERCEPT AND RECORD, WITH**  
7           **THE USE OF ANY MODE, FORM, KIND OR TYPE OF ELECTRONIC**  
8           **OR OTHER SURVEILLANCE EQUIPMENT OR INTERCEPTING AND**  
9           **TRACKING DEVICES, OR WITH THE USE OF ANY OTHER**  
10           **SUITABLE WAYS AND MEANS FOR THAT PURPOSE, ANY**  
11           **COMMUNICATIONS, CONVERSATIONS, DISCUSSIONS, DATA,**  
12           **INFORMATION, OR MESSAGES, SPOKEN OR WRITTEN**  
13           **INVOLVING AT LEAST ONE PERSON CHARGED WITH OR**  
14           **SUSPECTED OF TRAFFICKING IN PERSONS.**

15           **I. FORMAL APPLICATION FOR JUDICIAL AUTHORIZATION. –**  
16           **THE CHIEF OF THE PHILIPPINE NATIONAL POLICE OR THE**  
17           **DIRECTOR OF THE NATIONAL BUREAU OF INVESTIGATION**  
18           **OR ANY OF THEIR DULY AUTHORIZED REPRESENTATIVES,**  
19           **WHO HAS BEEN DULY AUTHORIZED BY THE DEPARTMENT OF**  
20           **JUSTICE IN WRITING, MAY SUBMIT *EX PARTE***  
21           **APPLICATIONS FOR THE ISSUANCE OF WRITTEN ORDERS**  
22           **FROM THE REGIONAL TRIAL COURT, TO TRACK DOWN,**  
23           **INTERCEPT AND RECORD, ANY COMMUNICATIONS,**  
24           **CONVERSATIONS, DISCUSSIONS, DATA, INFORMATION, OR**  
25           **MESSAGES, SPOKEN OR WRITTEN, UPON EXAMINATION**  
26           **UNDER OATH OF THE APPLICANT AND THE WITNESSES HE**  
27           **MAY PRODUCE TO ESTABLISH THAT THERE IS PROBABLE**  
28           **CAUSE TO BELIEVE BASED ON PERSONAL KNOWLEDGE OF**  
29           **FACTS OR CIRCUMSTANCES THAT: (A) THE CRIME OF**  
30           **TRAFFICKING HAS BEEN COMMITTED, OR IS BEING**  
31           **COMMITTED, OR IS ABOUT TO BE COMMITTED; (B)**

1 EVIDENCE, WHICH IS ESSENTIAL TO THE CONVICTION OF  
2 ANY CHARGED OR SUSPECTED PERSON FOR, OR TO THE  
3 SOLUTION OR PREVENTION OF, ANY SUCH CRIMES, WILL BE  
4 OBTAINED; AND, (C) THAT THERE IS NO OTHER EFFECTIVE  
5 MEANS READILY AVAILABLE FOR ACQUIRING SUCH  
6 EVIDENCE.

7 **II. CLASSIFICATION AND CONTENT OF THE ORDER OF THE**  
8 **COURT. – THE ORIGINAL APPLICATION FOR AUTHORITY TO**  
9 **TRACK DOWN, INTERCEPT AND RECORD, INCLUDING HIS**  
10 **APPLICATION TO EXTEND OR RENEW, IF ANY, THE WRITTEN**  
11 **ORDER GRANTED BY THE COURT, AND ANY SUCH ORDER TO**  
12 **EXTEND OR RENEW THE SAME SHALL BE DEEMED, AND ARE**  
13 **HEREBY DECLARED, AS CLASSIFIED INFORMATION:**  
14 **PROVIDED, THAT THE PERSON BEING SURVEILLED OR**  
15 **WHOSE COMMUNICATIONS, LETTERS, PAPERS, MESSAGES,**  
16 **CONVERSATIONS, DISCUSSIONS, SPOKEN OR WRITTEN**  
17 **WORDS AND EFFECTS HAVE BEEN MONITORED, LISTENED**  
18 **TO, BUGGED OR RECORDED BY LAW ENFORCEMENT**  
19 **AUTHORITIES HAS THE RIGHT TO BE INFORMED OF THE**  
20 **ACTS DONE BY THE LAW ENFORCEMENT AUTHORITIES IN**  
21 **THE PREMISES OR TO CHALLENGE, IF HE OR SHE INTENDS**  
22 **TO DO SO, THE LEGALITY OF THE INTERFERENCE BEFORE**  
23 **THE COURT WHICH ISSUED THE WRITTEN ORDER.**

24 **THE WRITTEN ORDER OF THE COURT AUTHORIZING THE**  
25 **TRACK DOWN, INTERCEPTION AND RECORDING, SHALL**  
26 **SPECIFY THE FOLLOWING: (A) THE IDENTITY, SUCH AS**  
27 **NAME AND ADDRESS, IF KNOWN, OF THE CHARGED OR**  
28 **SUSPECTED PERSON WHOSE COMMUNICATIONS,**  
29 **MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN**  
30 **OR WRITTEN WORDS ARE TO BE TRACKED DOWN, TAPPED,**  
31 **LISTENED TO, INTERCEPTED, AND RECORDED AND, IN THE**

1           **CASE OF RADIO, ELECTRONIC, OR TELEPHONIC (WHETHER**  
2           **WIRELESS OR OTHERWISE) COMMUNICATIONS, MESSAGES,**  
3           **CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN**  
4           **WORDS, THE ELECTRONIC TRANSMISSION SYSTEMS OR THE**  
5           **TELEPHONE NUMBERS TO BE TRACKED DOWN, TAPPED,**  
6           **LISTENED TO, INTERCEPTED, AND RECORDED AND THEIR**  
7           **LOCATIONS, OR IF THE PERSON SUSPECTED OF THE CRIME**  
8           **IS NOT FULLY KNOWN, SUCH PERSON SHALL BE SUBJECT TO**  
9           **CONTINUOUS SURVEILLANCE PROVIDED THERE IS A**  
10          **REASONABLE GROUND TO DO SO; (B) THE IDENTITY (NAME,**  
11          **ADDRESS, AND THE POLICE OR LAW ENFORCEMENT**  
12          **ORGANIZATION) OF THE POLICE OR OF THE LAW**  
13          **ENFORCEMENT OFFICIAL, INCLUDING THE INDIVIDUAL**  
14          **IDENTITY (NAMES, ADDRESSES, AND THE POLICE OR LAW**  
15          **ENFORCEMENT ORGANIZATION) OF THE MEMBERS OF HIS**  
16          **TEAM, JUDICIALLY AUTHORIZED TO TRACK DOWN, TAP,**  
17          **LISTEN TO, INTERCEPT, AND RECORD THE**  
18          **COMMUNICATIONS, MESSAGES, CONVERSATIONS,**  
19          **DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS; (C) THE**  
20          **OFFENSE OR OFFENSES COMMITTED, OR BEING**  
21          **COMMITTED, OR SOUGHT TO BE PREVENTED; AND, (D) THE**  
22          **LENGTH OF TIME WITHIN WHICH THE AUTHORIZATION**  
23          **SHALL BE USED OR CARRIED OUT.**

24          **III.     *EFFECTIVE PERIOD OF JUDICIAL AUTHORIZATION.* –**  
25          **ANY AUTHORIZATION GRANTED BY THE COURT PURSUANT**  
26          **TO THIS SECTION SHALL ONLY BE EFFECTIVE FOR THE**  
27          **LENGTH OF TIME SPECIFIED IN THE WRITTEN ORDER OF**  
28          **THE COURT, WHICH SHALL NOT EXCEED A PERIOD OF**  
29          **THIRTY (30) DAYS FROM THE DATE OF RECEIPT BY THE**  
30          **APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL OF**  
31          **THE WRITTEN ORDER.**

1 THE COURT MAY EXTEND OR RENEW THE SAID  
2 AUTHORIZATION FOR ANOTHER NON-EXTENDIBLE PERIOD,  
3 WHICH SHALL NOT EXCEED THIRTY (30) DAYS FROM THE  
4 EXPIRATION OF THE ORIGINAL PERIOD: PROVIDED, THAT  
5 THE COURT IS SATISFIED THAT SUCH EXTENSION OR  
6 RENEWAL IS IN THE PUBLIC INTEREST: AND PROVIDED,  
7 FURTHER, THAT THE *EX PARTE* APPLICATION FOR  
8 EXTENSION OR RENEWAL, WHICH MUST BE FILED BY THE  
9 ORIGINAL APPLICANT, HAS BEEN DULY AUTHORIZED IN  
10 WRITING BY THE DEPARTMENT OF JUSTICE.

11  
12 IN CASE OF DEATH OF THE ORIGINAL APPLICANT, OR IN  
13 CASE HE IS PHYSICALLY DISABLED TO FILE THE  
14 APPLICATION FOR EXTENSION OR RENEWAL, THE ONE NEXT  
15 IN RANK TO THE ORIGINAL APPLICANT AMONG THE  
16 MEMBERS OF THE TEAM NAMED IN THE ORIGINAL WRITTEN  
17 ORDER OF THE COURT SHALL FILE THE APPLICATION FOR  
18 EXTENSION OR RENEWAL: PROVIDED, THE APPLICANT  
19 POLICE OR LAW ENFORCEMENT OFFICIAL SHALL HAVE  
20 THIRTY (30) DAYS AFTER THE TERMINATION OF THE  
21 PERIOD GRANTED BY THE REGIONAL TRIAL COURT AS  
22 PROVIDED IN THE PRECEDING PARAGRAPHS WITHIN  
23 WHICH TO FILE THE APPROPRIATE CASE BEFORE THE  
24 PUBLIC PROSECUTOR'S OFFICE FOR ANY VIOLATION OF  
25 THIS ACT.

26 IF NO CASE IS FILED WITHIN THE THIRTY (30)-DAY  
27 PERIOD, THE APPLICANT POLICE OR LAW ENFORCEMENT  
28 OFFICIAL SHALL, WITHIN THIRTY (30) DAYS FROM THE  
29 EXPIRATION OF THE SAID THIRTY (30)-DAY PERIOD,  
30 NOTIFY THE PERSON SUBJECT OF THE SURVEILLANCE THAT  
31 HE OR SHE WAS THE SUBJECT OF SURVEILLANCE,



1 INTERCEPTION AND RECORDING, AND THE TERMINATION  
2 THEREOF. FAILURE TO NOTIFY THE SURVEILLED WITHIN  
3 THE REQUIRED PERIOD SHALL BE PENALIZED UNDER  
4 SECTION 10(g) OF THIS ACT.

5 **IV. CUSTODY OF INTERCEPTED AND RECORDED**  
6 **COMMUNICATIONS.** – ALL TAPES, DISCS, AND RECORDINGS  
7 MADE PURSUANT TO THIS SECTION, INCLUDING ALL  
8 EXCERPTS AND SUMMARIES THEREOF AS WELL AS ALL  
9 WRITTEN NOTES OR MEMORANDA MADE IN CONNECTION  
10 THEREWITH, SHALL, WITHIN FORTY-EIGHT (48) HOURS  
11 AFTER THE EXPIRATION OF THE PERIOD FIXED IN THE  
12 WRITTEN ORDER, OR WITHIN FORTY-EIGHT (48) HOURS  
13 AFTER THE EXPIRATION OF ANY EXTENSION OR RENEWAL,  
14 BE DEPOSITED WITH THE COURT GRANTING THE  
15 AUTHORITY IN A SEALED ENVELOPE OR SEALED PACKAGE,  
16 AS THE CASE MAY BE, AND SHALL BE ACCOMPANIED BY A  
17 JOINT AFFIDAVIT OF THE APPLICANT POLICE OR LAW  
18 ENFORCEMENT OFFICIAL AND THE MEMBERS OF HIS TEAM.  
19 IN CASE OF DEATH OF THE APPLICANT OR IN CASE HE IS  
20 PHYSICALLY DISABLED TO EXECUTE THE REQUIRED  
21 AFFIDAVIT, THE ONE NEXT IN RANK TO THE APPLICANT  
22 AMONG THE MEMBERS OF THE TEAM NAMED IN THE  
23 WRITTEN ORDER SHALL EXECUTE WITH THE MEMBERS OF  
24 THE TEAM THAT REQUIRED AFFIDAVIT. IT SHALL BE  
25 UNLAWFUL FOR ANY PERSON, POLICE OFFICER OR ANY  
26 CUSTODIAN OF THE TAPES, DISCS AND RECORDING, AND  
27 THEIR EXCERPTS AND SUMMARIES, WRITTEN NOTES OR  
28 MEMORANDA TO COPY IN WHATEVER FORM, TO REMOVE,  
29 DELETE, EXPUNGE, INCINERATE, SHRED OR DESTROY IN  
30 ANY MANNER THE ITEMS ENUMERATED ABOVE IN WHOLE  
31 OR IN PART UNDER ANY PRETEXT WHATSOEVER.

1                   **V. CONTENTS OF JOINT AFFIDAVIT. – THE JOINT AFFIDAVIT OF**  
2                   **THE POLICE OR OF THE LAW ENFORCEMENT OFFICIAL AND**  
3                   **THE INDIVIDUAL MEMBERS OF HIS TEAM SHALL STATE: (A)**  
4                   **THE NUMBER OF TAPES, DISCS, AND RECORDINGS THAT**  
5                   **HAVE BEEN MADE, AS WELL AS THE NUMBER OF EXCERPTS**  
6                   **AND SUMMARIES THEREOF AND THE NUMBER OF WRITTEN**  
7                   **NOTES AND MEMORANDA, IF ANY, MADE IN CONNECTION**  
8                   **THEREWITH; (B) THE DATES AND TIMES COVERED BY EACH**  
9                   **OF SUCH TAPES, DISCS, AND RECORDINGS; (C) THE**  
10                   **NUMBER OF TAPES, DISCS, AND RECORDINGS, AS WELL AS**  
11                   **THE NUMBER OF EXCERPTS AND SUMMARIES THEREOF AND**  
12                   **THE NUMBER OF WRITTEN NOTES AND MEMORANDA MADE**  
13                   **IN CONNECTION THEREWITH THAT HAVE BEEN INCLUDED**  
14                   **IN THE DEPOSIT; AND (D) THE DATE OF THE ORIGINAL**  
15                   **WRITTEN AUTHORIZATION GRANTED BY THE DEPARTMENT**  
16                   **OF JUSTICE TO THE APPLICANT TO FILE THE EX PARTE**  
17                   **APPLICATION TO CONDUCT THE TRACKING DOWN,**  
18                   **TAPPING, INTERCEPTING, AND RECORDING, AS WELL AS**  
19                   **THE DATE OF ANY EXTENSION OR RENEWAL OF THE**  
20                   **ORIGINAL WRITTEN AUTHORITY GRANTED BY THE COURT.**

21                   **THE JOINT AFFIDAVIT SHALL ALSO CERTIFY UNDER OATH**  
22                   **THAT NO DUPLICATES OR COPIES OF THE WHOLE OR ANY**  
23                   **PART OF ANY OF SUCH TAPES, DISCS, AND RECORDINGS,**  
24                   **AND THAT NO DUPLICATES OR COPIES OF THE WHOLE OR**  
25                   **ANY PART OF ANY OF SUCH EXCERPTS, SUMMARIES,**  
26                   **WRITTEN NOTES, AND MEMORANDA, HAVE BEEN MADE, OR,**  
27                   **IF MADE, THAT ALL SUCH DUPLICATES AND COPIES ARE**  
28                   **INCLUDED IN THE SEALED ENVELOPE OR SEALED PACKAGE,**  
29                   **AS THE CASE MAY BE, DEPOSITED WITH THE AUTHORIZING**  
30                   **DIVISION OF THE COURT OF APPEALS. IT SHALL BE**

1 UNLAWFUL FOR ANY PERSON, POLICE OR LAW  
2 ENFORCEMENT OFFICIAL TO.

3 **VI. DISPOSITION OF DEPOSITED MATERIAL. —THE SEALED**  
4 **ENVELOPE OR SEALED PACKAGE AND THE CONTENTS**  
5 **THEREOF, WHICH ARE DEPOSITED WITH THE AUTHORIZING**  
6 **COURT, SHALL BE DEEMED AND ARE HEREBY DECLARED**  
7 **CLASSIFIED INFORMATION, AND THE SEALED ENVELOPE OR**  
8 **SEALED PACKAGE SHALL NOT BE OPENED AND ITS**  
9 **CONTENTS (INCLUDING THE TAPES, DISCS, AND**  
10 **RECORDINGS AND ALL THE EXCERPTS AND SUMMARIES**  
11 **THEREOF AND THE NOTES AND MEMORANDA MADE IN**  
12 **CONNECTION THEREWITH) SHALL NOT BE DIVULGED,**  
13 **REVEALED, READ, REPLAYED, OR USED AS EVIDENCE**  
14 **UNLESS AUTHORIZED BY WRITTEN ORDER OF THE**  
15 **AUTHORIZING COURT. FOR THIS PURPOSE, THE**  
16 **DEPARTMENT OF JUSTICE SHALL FILE A WRITTEN**  
17 **APPLICATION TO OPEN THE SEALED ENVELOPE OR SEALED**  
18 **PACKAGE BEFORE THE AUTHORIZING COURT, WITH PROPER**  
19 **WRITTEN NOTICE TO THE PERSON WHOSE CONVERSATION,**  
20 **COMMUNICATION, MESSAGE DISCUSSION OR SPOKEN OR**  
21 **WRITTEN WORDS HAVE BEEN THE SUBJECT OF**  
22 **SURVEILLANCE, MONITORING, RECORDING AND**  
23 **INTERCEPTION, TO OPEN, REVEAL, DIVULGE, AND USE THE**  
24 **CONTENTS OF THE SEALED ENVELOPE OR SEALED PACKAGE**  
25 **AS EVIDENCE.**

26 **THE WRITTEN APPLICATION WITH NOTICE TO THE PARTY**  
27 **CONCERNED TO OPEN THE DEPOSITED SEALED ENVELOPE**  
28 **OR SEALED PACKAGE SHALL CLEARLY STATE THE PURPOSE**  
29 **OR REASON: (A) FOR OPENING THE SEALED ENVELOPE OR**  
30 **SEALED PACKAGE; (B) FOR REVEALING OR DISCLOSING ITS**  
31 **CLASSIFIED CONTENTS; (C) FOR REPLAYING, DIVULGING,**

1 AND OR READING ANY OF THE LISTENED TO, INTERCEPTED,  
2 AND RECORDED COMMUNICATIONS, MESSAGES,  
3 CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN  
4 WORDS (INCLUDING ANY OF THE EXCERPTS AND  
5 SUMMARIES THEREOF AND ANY OF THE NOTES OR  
6 MEMORANDA MADE IN CONNECTION THEREWITH); AND,  
7 (D) FOR USING ANY OF SAID LISTENED TO, INTERCEPTED,  
8 AND RECORDED COMMUNICATIONS, MESSAGES,  
9 CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN  
10 WORDS (INCLUDING ANY OF THE EXCERPTS AND  
11 SUMMARIES THEREOF AND ANY OF THE NOTES OR  
12 MEMORANDA MADE IN CONNECTION THEREWITH) AS  
13 EVIDENCE.

14 **VII. EVIDENTIARY VALUE OF DEPOSITED MATERIALS. – ANY**  
15 **LISTENED TO, INTERCEPTED, AND RECORDED**  
16 **COMMUNICATIONS, MESSAGES, CONVERSATIONS,**  
17 **DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS, OR ANY**  
18 **PART OR PARTS THEREOF, OR ANY INFORMATION OR FACT**  
19 **CONTAINED THEREIN, INCLUDING THEIR EXISTENCE,**  
20 **CONTENT, SUBSTANCE, PURPORT, EFFECT, OR MEANING,**  
21 **WHICH HAVE BEEN SECURED IN VIOLATION OF THE**  
22 **PERTINENT PROVISIONS OF THIS ACT, SHALL ABSOLUTELY**  
23 **NOT BE ADMISSIBLE AND USABLE AS EVIDENCE AGAINST**  
24 **ANYBODY IN ANY JUDICIAL, QUASI-JUDICIAL,**  
25 **LEGISLATIVE, OR ADMINISTRATIVE INVESTIGATION,**  
26 **INQUIRY, PROCEEDING, OR HEARING.**

27 "(c) *Prosecution of Cases.* – Any person who has personal knowledge of  
28 the commission of any offense under this Act, such as the trafficked  
29 person, the parents, spouse, siblings, children or legal guardian may file  
30 a complaint for trafficking.

1           **"(D) PLEA BARGAINING. – THE ACCUSED, WITH THE CONSENT**  
2           **OF THE OFFENDED PARTY AND THE PROSECUTOR, MAY BE**  
3           **ALLOWED BY THE TRIAL COURT TO PLEAD GUILTY TO A LESSER**  
4           **OFFENSE WHICH IS NECESSARILY INCLUDED IN THE OFFENSE**  
5           **CHARGED.**

6           "(e) *Affidavit of Desistance.* – Cases involving trafficking in persons  
7           should not be dismissed based on the affidavit of desistance executed by  
8           the victims or their parents or legal guardians. Public and private  
9           prosecutors are directed to oppose and manifest objections to motions  
10          for dismissal.

11          "Any act involving the means provided in this Act or any attempt thereof  
12          for the purpose of securing an Affidavit of Desistance from the  
13          complainant shall be punishable under this Act."

14          **SECTION 8-A. DUTIES OF AN INTERNET SERVICE PROVIDER**  
15          **(ISP). – ALL INTERNET SERVICE PROVIDERS (ISPS) SHALL**  
16          **NOTIFY THE PHILIPPINE NATIONAL POLICE (PNP) OR THE**  
17          **NATIONAL BUREAU OF INVESTIGATION (NBI) WITHIN SEVEN**  
18          **(7) DAYS FROM OBTAINING FACTS AND CIRCUMSTANCES THAT**  
19          **ANY FORM OF CHILD TRAFFICKING, CHILD PORNOGRAPHY, OR**  
20          **ANY FORM SEXUAL EXPLOITATION OF CHILDREN IS BEING**  
21          **COMMITTED USING ITS SERVER OR FACILITY. NOTHING IN**  
22          **THIS SECTION MAY BE CONSTRUED TO REQUIRE AN ISP TO**  
23          **ENGAGE IN THE MONITORING OF ANY USER, SUBSCRIBER OR**  
24          **CUSTOMER, OR THE CONTENT OF ANY COMMUNICATION OF**  
25          **ANY SUCH PERSON: PROVIDED, THAT NO ISP SHALL BE HELD**  
26          **CIVILLY LIABLE FOR DAMAGES ON ACCOUNT OF ANY NOTICE**  
27          **GIVEN IN GOOD FAITH IN COMPLIANCE WITH THIS SECTION.**  
28

1           **FURTHERMORE, AN ISP SHALL PRESERVE SUCH EVIDENCE FOR**  
2           **PURPOSE OF INVESTIGATION AND PROSECUTION BY**  
3           **RELEVANT AUTHORITIES.**

4           **AN ISP SHALL, UPON THE REQUEST OF PROPER AUTHORITIES,**  
5           **FURNISH THE PARTICULARS OF USERS WHO GAINED OR**  
6           **ATTEMPTED TO GAIN ACCESS TO AN INTERNET ADDRESS**  
7           **WHICH CONTAINS ANY FORM OF CHILD TRAFFICKING, CHILD**  
8           **PORNOGRAPHY OR ANY FORM OF SEXUAL EXPLOITATION OF**  
9           **CHILDREN.**

10           **ALL ISPS SHALL INSTALL AVAILABLE TECHNOLOGY, PROGRAM**  
11           **OR SOFTWARE TO ENSURE THAT ACCESS TO OR TRANSMITTAL**  
12           **OF ANY FORM OF CHILD PORNOGRAPHY WILL BE BLOCKED OR**  
13           **FILTERED.**

14           **AN ISP WHO SHALL KNOWINGLY, WILLFULLY AND**  
15           **INTENTIONALLY VIOLATE THIS PROVISION SHALL BE SUBJECT**  
16           **TO THE PENALTY PROVIDED UNDER SECTION 10(H) OF THIS**  
17           **ACT.**

18           **THE DEPARTMENT OF JUSTICE (DOJ), WITH THE NATIONAL**  
19           **TELECOMMUNICATIONS COMMISSION (NTC), AND SUCH**  
20           **OTHER RELEVANT GOVERNMENT AGENCIES, SHALL**  
21           **PROMULGATE WITHIN NINETY (90) DAYS FROM THE**  
22           **EFFECTIVITY OF THIS ACT THE NECESSARY RULES AND**  
23           **REGULATIONS FOR THE IMPLEMENTATION OF THIS**  
24           **PROVISION WHICH SHALL INCLUDE, AMONG OTHERS, THE**  
25           **INSTALLATION OF FILTERING SOFTWARE THAT WILL BLOCK**  
26           **ACCESS TO OR TRANSMISSION OF ANY FORM OF CHILD**  
27           **TRAFFICKING, CHILD PORNOGRAPHY, OR SEXUAL**  
28           **EXPLOITATION OF CHILDREN.**

1           **SECTION 8-B. RESPONSIBILITY OF TOURISM-ORIENTED**  
2           **ESTABLISHMENTS<sup>6</sup> INCLUDING HOTELS, RESORTS, INNS,**  
3           **MOTELS, AND OTHER RELATED FACILITIES AND SERVICES. –**  
4           **ALL TOURISM-ORIENTED ESTABLISHMENTS INCLUDING**  
5           **HOTELS, RESORTS, INNS, MOTELS, AND OTHER RELATED**  
6           **FACILITIES AND SERVICES SHALL NOTIFY THE PNP OR THE NBI**  
7           **WITHIN SEVEN (7) DAYS FROM OBTAINING FACTS AND**  
8           **CIRCUMSTANCES THAT CHILD TRAFFICKING, CHILD**  
9           **PORNOGRAPHY, OR SEXUAL EXPLOITATION OF CHILDREN IS**  
10           **BEING COMMITTED IN THEIR PREMISES. PROVIDED, THAT**  
11           **PUBLIC DISPLAY OF ANY FORM OF CHILD PORNOGRAPHY**  
12           **WITHIN THEIR PREMISES IS A CONCLUSIVE PRESUMPTION OF**  
13           **THE KNOWLEDGE OF THE OWNERS/OPERATORS AND OWNERS**  
14           **OR LESSORS OF BUSINESS ESTABLISHMENTS OF THE**  
15           **VIOLATION OF THIS ACT: PROVIDED, FURTHER, THAT A**  
16           **DISPUTABLE PRESUMPTION OF KNOWLEDGE BY**  
17           **OWNERS/OPERATORS AND OWNERS OR LESSORS OF**  
18           **BUSINESS ESTABLISHMENTS SHOULD KNOW OR REASONABLY**  
19           **KNOW THAT A VIOLATION OF THIS ACT IS BEING COMMITTED**  
20           **IN THEIR PREMISES.**

21           **ALL TOURISM-ORIENTED ESTABLISHMENTS REFERRED TO IN**  
22           **THE PRECEDING PARAGRAPH SHALL POST A NOTICE WITH THE**  
23           **CONTACT DETAILS OF HUMAN TRAFFICKING HOTLINES, BOTH**  
24           **NATIONAL AND LOCAL, IN A CONSPICUOUS PLACE NEAR THE**  
25           **PUBLIC ENTRANCE OF THE ESTABLISHMENT OR IN ANOTHER**  
26           **CONSPICUOUS LOCATION IN CLEAR VIEW OF THE PUBLIC AND**  
27           **EMPLOYEES WHERE SIMILAR NOTICES ARE CUSTOMARILY**  
28           **POSTED.**

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<sup>6</sup> Republic Act No. 9593 The Tourism Act of 2009 defines "Tourism enterprises" as facilities, services and attractions involved in tourism, such as, but not limited to: travel and tour services; tourist transport services, whether for land, sea or air transportation; tour guides; adventure sports; services involving such sports as mountaineering, spelunking, scuba diving, and other sports activities of significant tourism potential; convention organizers; accommodation establishments, including, but not limited to, hotels, resorts, apartelles, tourist inns, motels, pension houses, and home stay operators; tourism estate management services, restaurants, shops and department stores, sports and recreational centers, spas, museums and galleries, theme parks, convention centers and zoos; (Section 4[p])

1           **FOR THIS PURPOSE, THE INTER-AGENCY COUNCIL AGAINST**  
2           **TRAFFICKING (IACAT) SHALL DEVELOP A MODEL NOTICE THAT**  
3           **COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AND**  
4           **MAKE THE MODEL NOTICE AVAILABLE FOR DOWNLOAD ON ITS**  
5           **INTERNET WEB SITE.**

6           **FURTHER, ALL TOURISM-ORIENTED ESTABLISHMENTS**  
7           **REFERRED TO IN THE FIRST PARAGRAPH OF THIS SECTION**  
8           **SHALL TRAIN ITS EMPLOYEES WHO ARE LIKELY TO INTERACT**  
9           **OR COME INTO CONTACT WITH VICTIMS OF HUMAN**  
10          **TRAFFICKING IN RECOGNIZING THE SIGNS OF HUMAN**  
11          **TRAFFICKING AND HOW TO REPORT THOSE SIGNS TO THE**  
12          **APPROPRIATE LAW ENFORCEMENT AGENCY. THE IACAT SHALL**  
13          **DEVELOP A TRAINING CURRICULUM OR PROGRAM AND MAKE**  
14          **THE SAME AVAILABLE FOR DOWNLOAD ON ITS INTERNET WEB**  
15          **SITE.**

16          **THE IACAT, WITH THE DEPARTMENT OF TOURISM AND SUCH**  
17          **OTHER RELEVANT GOVERNMENT AGENCIES, SHALL**  
18          **PROMULGATE WITHIN NINETY (90) DAYS FROM THE**  
19          **EFFECTIVITY OF THIS ACT THE NECESSARY RULES AND**  
20          **REGULATIONS FOR THE IMPLEMENTATION OF THIS**  
21          **PROVISION.**

22          **ANY WILLFUL AND INTENTIONAL VIOLATION OF THIS**  
23          **PROVISION SHALL BE SUBJECT TO THE PENALTY PROVIDED**  
24          **UNDER SECTION 10(i) OF THIS ACT.**

25            Sec. 2. Section 10 of Republic Act No. 9208, as amended, is hereby amended  
26   to read as follows –

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



1           "(a) Any person found guilty of committing any of the acts enumerated  
2           in Section 4 shall suffer the penalty of imprisonment of twenty (20)  
3           years and a fine of not less than One million pesos (P1,000,000.00) but  
4           not more than Two million pesos (P2,000,000.00);

5           "(b) Any person found guilty of committing any of the acts enumerated  
6           in Section 4-A of this Act shall suffer the penalty of imprisonment of  
7           fifteen (15) years and a fine of not less than Five hundred thousand  
8           pesos (P500,000.00) but not more than One million pesos  
9           (P1,000,000.00);

10          "(c) Any person found guilty of Section 4-B of this Act shall suffer the  
11          penalty of imprisonment of fifteen (15) years and a fine of not less than  
12          Five hundred thousand pesos (P500,000.00) but not more than One  
13          million pesos (P1,000,000.00);

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

18          "(d) Any person found, guilty of committing any of the acts enumerated  
19          in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years  
20          and a fine of not less than Five hundred thousand pesos (P500,000.00)  
21          but not more than One million pesos (P1,000,000.00);

22          "(e) Any person found guilty of qualified trafficking under Section 6 shall  
23          suffer the penalty of life imprisonment and a fine of not less than Two  
24          million pesos (P2,000,000.00) but not more than Five million pesos  
25          (P5,000,000.00);

26          "(f) Any person who violates Section 7 hereof shall suffer the penalty of  
27          imprisonment of six (6) years and a fine of not less than Five hundred  
28          thousand pesos (P500,000.00) but not more than One million pesos  
29          (P1,000,000.00);

1           **"(G) ANY APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL**  
2           **AND THE MEMBERS OF HIS TEAM AUTHORIZED TRACK DOWN,**  
3           **INTERCEPT AND RECORD, ANY COMMUNICATIONS,**  
4           **CONVERSATIONS, DISCUSSIONS, DATA, INFORMATION, OR**  
5           **MESSAGES, SPOKEN OR WRITTEN, UNDER SECTION 8 HEREOF**  
6           **SHALL BE PENALIZED FOR THE PROHIBITED ACTS THEREIN:**

7           **I. THE PENALTY OF TEN (10) YEARS AND ONE (1) DAY TO**  
8           **TWELVE (12) YEARS OF IMPRISONMENT SHALL BE IMPOSED**  
9           **UPON THE APPLICANT POLICE OR LAW ENFORCEMENT**  
10          **OFFICIAL WHO FAILS TO NOTIFY THE PERSON SUBJECT OF**  
11          **THE SURVEILLANCE, MONITORING, INTERCEPTION AND**  
12          **RECORDING UNDER SUB-SECTION III THEREOF;**

13          **II. THE PENALTY OF NOT LESS THAN SIX (6) YEARS AND ONE**  
14          **(1) DAY TO TWELVE (12) YEARS OF IMPRISONMENT SHALL**  
15          **BE IMPOSED ANY PERSON WHO COPIES IN WHATEVER**  
16          **FORM, REMOVES, DELETES, EXPUNGES, INCINERATES,**  
17          **SHREDS OR DESTROYS THE TAPES, DISCS AND RECORDING,**  
18          **AND THEIR EXCERPTS AND SUMMARIES, WRITTEN NOTES**  
19          **OR MEMORANDA MADE IN CONNECTION WITH THE**  
20          **AUTHORIZED INTERCEPTION AND RECORDING UNDER SUB-**  
21          **SECTION IV THEREOF;**

22          **III. THE PENALTY OF NOT LESS THAN TEN (10) YEARS AND ONE**  
23          **(1) DAY TO TWELVE (12) YEARS OF IMPRISONMENT SHALL**  
24          **BE IMPOSED ON ANY PERSON, POLICE OR LAW**  
25          **ENFORCEMENT OFFICER WHO OMIT OR EXCLUDE FROM THE**  
26          **JOINT AFFIDAVIT ANY ITEM OR PORTION THEREOF**  
27          **MENTIONED IN SUB-SECTION V THEREOF;**

28          **IV. THE PENALTY OF SIX (6) YEARS AND ONE (1) DAY TO EIGHT**  
29          **(8) YEARS OF IMPRISONMENT SHALL BE IMPOSED ON ANY**  
30          **PERSON WHO VIOLATES HIS OR HER DUTY TO NOTIFY IN**

1                   **WRITING THE PERSONS SUBJECT OF THE SURVEILLANCE**  
2                   **UNDER SUB-SECTION VI THEREOF;**

3                   **V. THE PENALTY OF TEN (10) YEARS AND ONE (1) DAY TO**  
4                   **TWELVE (12) YEARS OF IMPRISONMENT SHALL BE IMPOSED**  
5                   **ON ANY POLICE OR LAW ENFORCEMENT OFFICIAL WHO,**  
6                   **WITHOUT AUTHORITY FROM THE COURT TRACKS DOWN,**  
7                   **TAPS, LISTENS TO, INTERCEPTS, AND RECORDS IN**  
8                   **WHATEVER MANNER OR FORM ANY COMMUNICATION,**  
9                   **MESSAGE, CONVERSATION, DISCUSSION, OR SPOKEN OR**  
10                   **WRITTEN WORD OF A PERSON CHARGED WITH OR**  
11                   **SUSPECTED OF CHILD TRAFFICKING UNDER THIS ACT;**

12                   **VI. IN ADDITION TO THE LIABILITY OF THE OFFENDER FOR THE**  
13                   **COMMISSION OF ANY OTHER OFFENSE, THE PENALTY OF**  
14                   **TEN (10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS**  
15                   **OF IMPRISONMENT AND THE ACCESSORY PENALTY OF**  
16                   **PERPETUAL ABSOLUTE DISQUALIFICATION FROM PUBLIC**  
17                   **OFFICE SHALL BE IMPOSED UPON ANY POLICE OR LAW**  
18                   **ENFORCEMENT PERSONNEL WHO MALICIOUSLY OBTAINED**  
19                   **AN AUTHORITY TO TRACK DOWN, TAP, LISTEN TO,**  
20                   **INTERCEPT, AND RECORD IN WHATEVER MANNER OR FORM**  
21                   **ANY COMMUNICATION, MESSAGE, CONVERSATION,**  
22                   **DISCUSSION, OR SPOKEN OR WRITTEN WORDS OF A**  
23                   **PERSON CHARGED WITH OR SUSPECTED OF CHILD**  
24                   **TRAFFICKING UNDER THIS ACT; FURTHER, THE PARTY**  
25                   **AGGRIEVED BY SUCH AUTHORIZATION SHALL BE ALLOWED**  
26                   **ACCESS TO THE SEALED ENVELOPE OR SEALED PACKAGE**  
27                   **AND THE CONTENTS THEREOF AS EVIDENCE FOR THE**  
28                   **PROSECUTION OF ANY POLICE OR LAW ENFORCEMENT**  
29                   **PERSONNEL WHO MALICIOUSLY PROCURED SAID**  
30                   **AUTHORIZATION.**

1           **“(H) ANY ISP FOUND GUILTY OF WILLFULLY AND KNOWINGLY**  
2           **FAILING TO COMPLY WITH THE NOTICE AND INSTALLATION**  
3           **REQUIREMENTS UNDER SECTION 8-A OF THIS ACT SHALL**  
4           **SUFFER THE PENALTY OF A FINE OF NOT LESS THAN FIVE**  
5           **HUNDRED THOUSAND PESOS (PHP500,000.00) BUT NOT MORE**  
6           **THAN ONE MILLION PESOS (PHP1,000,000.00) FOR THE FIRST**  
7           **OFFENSE. IN CASE OF SUBSEQUENT OFFENSE, THE PENALTY**  
8           **SHALL BE A FINE OF NOT LESS THAN ONE MILLION PESOS**  
9           **(PHP1,000,000.00) BUT NOT MORE THAN TWO MILLION PESOS**  
10           **(PHP2,000,000.00) AND REVOCATION OF ITS LICENSE TO**  
11           **OPERATE;**

12           **“(I) ANY TOURISM-ORIENTED ESTABLISHMENTS INCLUDING**  
13           **HOTELS, RESORTS, INNS, MOTELS, AND OTHER RELATED**  
14           **FACILITIES AND SERVICES WHO WILLFULLY AND KNOWINGLY**  
15           **FAIL TO COMPLY WITH THE NOTICE AND TRAINING**  
16           **REQUIREMENTS UNDER SECTION 8-B OF THIS ACT SHALL**  
17           **SUFFER THE PENALTY OF A FINE OF NOT LESS THAN FIVE**  
18           **HUNDRED THOUSAND PESOS (PHP500,000.00) BUT NOT MORE**  
19           **THAN ONE MILLION PESOS (PHP1,000,000.00) FOR THE FIRST**  
20           **OFFENSE. IN CASE OF SUBSEQUENT OFFENSE, THE PENALTY**  
21           **SHALL BE A FINE OF NOT LESS THAN ONE MILLION PESOS**  
22           **(PHP1,000,000.00) BUT NOT MORE THAN TWO MILLION PESOS**  
23           **(PHP2,000,000.00) AND REVOCATION OF ITS LICENSE TO**  
24           **OPERATE AND IMMEDIATE CLOSURE OF THE ESTABLISHMENT;**

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

1           “(k) The registration with the Securities and Exchange Commission (SEC)  
2           and license to operate of the erring agency, corporation, association,  
3           religious group, tour or travel agent, club or establishment, or any place  
4           of entertainment shall be cancelled and revoked permanently. the  
5           owner, president, partner or manager thereof shall not be allowed to  
6           operate similar establishments in a different name;

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

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

21           “(n) Conviction, by final judgment of the adopter for any offense under  
22           this Act shall result in the immediate rescission of the decree of  
23           adoption.”

24           Sec. 3. Section 16 of Republic Act No. 9208 is hereby amended to read as  
25           follows:

26           “Sec. 16. Programs that Address Trafficking in Persons. – The  
27           government shall establish and implement preventive, protective and  
28           rehabilitative programs for trafficked persons. For this purpose, the

1 following agencies are hereby mandated to implement the following  
2 programs:

3 "(a) Department of Foreign Affairs (DFA) – shall make available its  
4 resources and facilities overseas for trafficked persons regardless of their  
5 manner of entry to the receiving country, and explore means to further  
6 enhance its assistance in eliminating trafficking activities through closer  
7 networking with government agencies in the country and overseas,  
8 particularly in the formulation of policies and implementation of relevant  
9 programs. It shall provide Filipino victims of trafficking overseas with  
10 free legal assistance and counsel to pursue legal action against his or  
11 her traffickers, represent his or her interests in any criminal investigation  
12 or prosecution, and assist in the application for social benefits and/or  
13 regular immigration status as may be allowed or provided for by the host  
14 country. The DFA shall repatriate trafficked Filipinos with the consent of  
15 the victims. (a)

16 "The DFA shall take necessary measures for the efficient implementation  
17 of the Electronic Passporting System to protect the integrity of Philippine  
18 passports, visas and other travel documents to reduce the incidence of  
19 trafficking through the use of fraudulent identification documents.

20 "In coordination with the Department of Labor and Employment, it shall  
21 provide free temporary shelters and other services to Filipino victims of  
22 trafficking overseas through the migrant workers and other overseas  
23 Filipinos resource centers established overseas under Republic Act No.  
24 8042, as amended. (n)

25 "(b) Department of Social Welfare and Development (DSWD) – shall  
26 implement rehabilitative and protective programs for trafficked persons.  
27 It shall provide counseling and temporary shelter to trafficked persons  
28 and develop a system for accreditation among NGOs for purposes of  
29 establishing centers and programs for intervention in various levels of  
30 the community. It shall establish free temporary shelters, for the

1 protection and housing of trafficked persons to provide the following  
2 basic services to trafficked persons: (a)

3 (1) Temporary housing and food facilities; (n)

4 (2) Psychological support and counseling; (n)

5 (3) 24-hour call center for crisis calls and technology-based  
6 counseling and referral system; (n)

7 (4) Coordination with local law enforcement entities; and (n)

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

9 The DSWD must conduct information campaigns in communities and  
10 schools teaching parents and families that receiving consideration in  
11 exchange for adoption is punishable under the law. Furthermore,  
12 information campaigns must be conducted with the police that they  
13 must not induce poor women to give their children up for adoption in  
14 exchange for consideration. (n)

15 "(c) Department of Labor and Employment (DOLE) – shall ensure the  
16 strict implementation and compliance with the rules and guidelines  
17 relative to the employment of persons locally and overseas. It shall  
18 likewise monitor, document and report cases of trafficking in persons  
19 involving employers and labor recruiters.

20 "(d) Department of Justice (DOJ) – shall ensure the prosecution of  
21 persons accused of trafficking and designate and train special  
22 prosecutors who shall handle and prosecute cases of trafficking. It shall  
23 also establish a mechanism for free legal assistance for trafficked  
24 persons, in coordination with the DSWD, Integrated Bar of the  
25 Philippines (IBP) and other NGOs and volunteer groups.

26 "(e) Philippine Commission on Women (PCW) – shall actively participate  
27 and coordinate in the formulation and monitoring of policies addressing  
28 the issue of trafficking in persons in coordination with relevant  
29 government agencies. It shall likewise advocate for the inclusion of the

1 issue of trafficking in persons in both its local and international advocacy  
2 for women's issues. (a)

3 "(f) Bureau of Immigration (BI) – shall strictly administer and enforce  
4 immigration and alien administration laws. It shall adopt measures for  
5 the apprehension of suspected traffickers both at the place of arrival and  
6 departure and shall ensure compliance by the Filipino fiancés/fiancées  
7 and spouses of foreign nationals with the guidance and counseling  
8 requirement as provided for in this Act.

9 "(g) Philippine National Police (PNP) and National Bureau of  
10 Investigation (NBI) – shall be the primary law enforcement agencies to  
11 undertake surveillance, investigation and arrest of individuals or persons  
12 suspected to be engaged in trafficking. They shall closely coordinate with  
13 each other and with other law enforcement agencies to secure concerted  
14 efforts for effective investigation and apprehension of suspected  
15 traffickers. They shall also establish a system to receive complaints and  
16 calls to assist trafficked persons and conduct rescue operations. (a)

17 "(h) Philippine Overseas Employment Administration (POEA) and  
18 Overseas Workers and Welfare Administration (OWWA) – POEA shall  
19 implement Pre-Employment Orientation Seminars (PEOS) while Pre-  
20 Departure Orientation Seminars (PDOS) shall be conducted by the  
21 OWWA. It shall likewise formulate a system of providing free legal  
22 assistance to trafficked persons, in coordination with the DFA. (a)

23 "The POEA shall create a blacklist of recruitment agencies, illegal  
24 recruiters and persons facing administrative, civil and criminal complaints  
25 for trafficking filed in the receiving country and/or in the Philippines and  
26 those agencies, illegal recruiters and persons involved in cases of  
27 trafficking who have been rescued by the DFA and DOLE in the receiving  
28 country or in the Philippines even if no formal administrative, civil or  
29 criminal complaints have been filed: Provided, That the rescued victims  
30 shall execute an affidavit attesting to the acts violative of the anti-



1 trafficking law. This blacklist shall be posted in conspicuous places in  
2 concerned government agencies and shall be updated bi-monthly. (n)

3 "The blacklist shall likewise be posted by the POEA in the shared  
4 government information system, which is mandated to be established  
5 under Republic Act No. 8042, as amended. (n)

6 "The POEA and OWWA shall accredit NGOs and other service providers  
7 to conduct PEOS and PDOS, respectively. The PEOS and PDOS should  
8 include the discussion and distribution of the blacklist. (n)

9 "The license or registration of a recruitment agency that has been  
10 blacklisted may be suspended by the POEA upon a review of the  
11 complaints filed against said agency. (n)

12 "(i) Department of the Interior and Local Government (DILG) – shall  
13 institute a systematic information and prevention campaign in  
14 coordination with pertinent agencies of government as provided for in  
15 this Act. It shall provide training programs to local government units, in  
16 coordination with the Council, in ensuring wide understanding and  
17 application of this Act at the local level. (a)

18 "(j) Commission on Filipinos Overseas – shall conduct pre-departure  
19 counseling services for Filipinos in intermarriages. It shall develop a  
20 system for accreditation of NGOs that may be mobilized for purposes of  
21 conducting pre-departure counseling services for Filipinos in  
22 intermarriages. As such, it shall ensure that the counselors contemplated  
23 under this Act shall have the minimum qualifications and training of  
24 guidance counselors as provided for by law. (n)

25 "It shall likewise assist in the conduct of information campaigns against  
26 trafficking in coordination with local government units, the Philippine  
27 Information Agency, and NGOs. (n)

1           **“(K) DEPARTMENT OF HEALTH (DOH) – SHALL DEVELOP A**  
2           **COMPREHENSIVE PROGRAM TO PREVENT THE TRAFFICKING OF**  
3           **HUMAN ORGANS. IT SHALL ALSO UNDERTAKE ACTIVITIES TO**  
4           **INCREASE PUBLIC AWARENESS ON ORGAN TRAFFICKING,**  
5           **WHICH MAY INCLUDE, BUT NOT LIMITED TO, MEDICAL**  
6           **PRACTITIONER, FAMILY AND PATIENT INFORMATION AND**  
7           **EDUCATION, PUBLIC EDUCATION AND ADVOCACY CAMPAIGN;**  
8           **AND SHALL RENDER ASSISTANCE IN THE INVESTIGATION**  
9           **AND PROSECUTION OF ORGAN TRAFFICKING.**

10           **“(L) DEPARTMENT OF INFORMATION AND COMMUNICATIONS**  
11           **TECHNOLOGY (DICT) – SHALL EXTEND IMMEDIATE**  
12           **ASSISTANCE FOR THE PREVENTION OF THE COMMISSION OF**  
13           **CYBERCRIME OFFENSES RELATED TO TRAFFICKING IN**  
14           **PERSONS, PARTICULARLY ONLINE SEXUAL EXPLOITATION OF**  
15           **CHILDREN; AND ASSIST LAW ENFORCEMENT AND**  
16           **PROSECUTION AGENCIES IN THE INVESTIGATION OF**  
17           **TRAFFICKING IN PERSONS COMMITTED THROUGH THE USE OF**  
18           **TECHNOLOGY AND SOCIAL MEDIA.**

19           **“(M) DEPARTMENT OF TRANSPORTATION (DOTR) –**  
20           **CONSISTENT WITH ITS MANDATE TO PROVIDE VIABLE,**  
21           **EFFICIENT, FAST, SAFE AND DEPENDABLE TRANSPORTATION,**  
22           **IT SHALL DEVELOP A COMPREHENSIVE PROGRAM AND**  
23           **AWARENESS CAMPAIGN TO ASSIST TRANSPORTATION**  
24           **SECTORS AND TRANSPORTATION PERSONNEL, SUCH AS**  
25           **AIRLINE FLIGHT ATTENDANTS, AIRPORT AGENTS, TAXI AND**  
26           **BUS DRIVERS, TRUCKERS, AND TRAIN AND DELIVERY DRIVERS**  
27           **TO IDENTIFY VICTIMS OF TRAFFICKING IN PERSONS AND TO**  
28           **REPORT INCIDENTS OF TRAFFICKING IN PERSONS.**

29           **“(N) OVERSEAS WORKERS WELFARE ADMINISTRATION**  
30           **(OWWA) – SHALL PROVIDE WELFARE PROGRAMS AND**

1           **SERVICES THAT RESPOND TO THE NEEDS OF ITS MEMBER-**  
2           **OFWS, INCLUDING THEIR FAMILIES, WHO HAVE BECOME**  
3           **VICTIMS OF TRAFFICKING IN PERSONS. THE SERVICES TO THE**  
4           **OFWS SHALL INCLUDE SOCIAL ASSISTANCE, EDUCATION AND**  
5           **TRAINING, CULTURAL SERVICES, FINANCIAL MANAGEMENT,**  
6           **REINTEGRATION, AND ENTREPRENEURIAL DEVELOPMENT**  
7           **SERVICES. IT SHALL LIKEWISE PROVIDE PROMPT AND**  
8           **APPROPRIATE RESPONSE IN REPATRIATION OF OFWS WHO**  
9           **ARE VICTIMS OF TRAFFICKING IN PERSONS.**

10           “(o) Local government units (LGUs) – shall monitor and document cases  
11           of trafficking in persons in their areas of jurisdiction, effect the  
12           cancellation of licenses of establishments which violate the provisions of  
13           this Act and ensure effective prosecution of such cases. They shall also  
14           undertake an information campaign against trafficking in persons  
15           through the establishment of the Migrants Advisory and Information  
16           Network (MAIN) desks in municipalities or provinces in coordination with  
17           the DILG, Philippine Information Agency (PIA), Commission on Filipinos  
18           Overseas (CFO), NGOs and other concerned agencies. They shall  
19           encourage and support community-based initiatives which address the  
20           trafficking in persons.

21  
22           “**In implementing this Act, the agencies concerned may seek and enlist**  
23           **the assistance of NGOs, people’s organizations (POs), civic organizations**  
24           **and other volunteer groups.**

25           Sec. 4. Section 20 of Republic Act No. 9208 is hereby amended to read as  
26 follows:

27           **"SEC. 20. INTER-AGENCY COUNCIL AGAINST TRAFFICKING. –**  
28           **THERE IS HEREBY ESTABLISHED AN INTER-AGENCY COUNCIL**  
29           **AGAINST TRAFFICKING, TO BE COMPOSED OF THE SECRETARY**  
30           **OF THE DEPARTMENT OF JUSTICE AS CHAIRPERSON AND THE**

1                   **SECRETARY OF THE DEPARTMENT OF SOCIAL WELFARE AND**  
2                   **DEVELOPMENT AS CO-CHAIRPERSON AND SHALL HAVE THE**  
3                   **FOLLOWING AS MEMBERS:**

4                   "(a) Secretary, Department of Foreign Affairs;

5                   "(b) Secretary, Department of Labor and Employment;

6                   "(c) Secretary, Department of the Interior and Local Government;

7                   **"(D) SECRETARY, DEPARTMENT OF HEALTH**

8                   **"(E) SECRETARY, DEPARTMENT OF INFORMATION AND**  
9                   **COMMUNICATIONS TECHNOLOGY;**

10                  **"(F) SECRETARY, DEPARTMENT OF TRANSPORTATION;**

11                  "(g) Administrator, Philippine Overseas Employment Administration;

12                  **"(H) ADMINISTRATOR, OVERSEAS WORKERS WELFARE**  
13                  **ADMINISTRATION;**

14                  "(i) Commissioner, Bureau of Immigration;

15                  "(j) Chief, Philippine National Police;

16                  "(k) Chairperson, Philippine Commission on Women;

17                  "(l) Chairperson, Commission on Filipinos Overseas;

18                  "(m) Executive Director, Philippine Center for Transnational Crimes;

19                  **"(N) DIRECTOR, NATIONAL BUREAU OF INVESTIGATION;**  
20                  **AND**

21                  "(o) Three (3) representatives from NGOs, who shall include one (1)  
22                  representative each from among the sectors representing women,  
23                  overseas Filipinos, and children, with a proven record of involvement  
24                  in the prevention and suppression of trafficking in persons. These  
25                  representatives shall be nominated by the government agency  
26                  representatives of the Council, for appointment by the President for a  
27                  term of three (3) years.

1 "The members of the council may designate their permanent  
2 representatives who shall have a rank not lower than an assistant  
3 secretary or its equivalent to meetings, and shall receive emoluments as  
4 may be determined by the Council in accordance with existing budget  
5 and accounting rules and regulations."

6 Sec. 5. Section 21 of Republic Act No. 9208 is hereby amended to read as  
7 follows:

8 "Sec. 21. *Functions of the Council.* - The Council shall have the following  
9 powers and functions:

10 "(a) Formulate a comprehensive and integrated program to prevent and  
11 suppress the trafficking in persons;

12 "(b) Promulgate rules and regulations as may be necessary for the  
13 effective implementation of this Act;

14 "(c) Monitor and oversee the strict implementation of this Act;

15 "(d) Coordinate the programs and projects of the various member  
16 agencies to effectively address the issues and problems attendant to  
17 trafficking in persons;

18 "(e) Coordinate the conduct of massive information dissemination and  
19 campaign on the existence of the law and the various issues and  
20 problems attendant to trafficking through the LGUs, concerned agencies,  
21 and NGOs;

22 "(f) Direct other agencies to immediately respond to the problems  
23 brought to their attention and report to the Council on action taken;

24 "(g) Assist in filing of cases against individuals, agencies, institutions or  
25 establishments that violate the provisions of this Act;

1 (h) Formulate a program for the reintegration of trafficked persons in  
2 cooperation with DOLE, DSWD, Technical Education and Skills  
3 Development Authority (TESDA), Commission on Higher Education  
4 (CHED), LGUs and NGOs;

5 (i) Secure from any department, bureau, office, agency, or  
6 instrumentality of the government or from NGOs and other civic  
7 organizations such assistance as may be needed to effectively implement  
8 this Act;

9 (j) Complement the shared government information system for migration  
10 established under Republic Act No. 8042, otherwise known as the  
11 "Migrant Workers and Overseas Filipinos Act of 1995" with data on cases  
12 of trafficking in persons, and ensure that the proper agencies conduct a  
13 continuing research and study on the patterns and scheme of trafficking  
14 in persons which shall form the basis for policy formulation and program  
15 direction;

16 (k) Develop the mechanism to ensure the timely, coordinated, and  
17 effective response to cases of trafficking in persons;

18 (l) Recommend measures to enhance cooperative efforts and mutual  
19 assistance among foreign countries through bilateral and/or multilateral  
20 arrangements to prevent and suppress international trafficking in  
21 persons;

22 (m) Coordinate with the Department of **INFORMATION AND**  
23 [~~Transportation—and~~] Communications **TECHNOLOGY** [~~(DOTC)~~]  
24 **(DICT)**, Department of Trade and Industry (DTI), and other NGOs in  
25 monitoring the promotion of advertisement of trafficking in the internet;

26 (n) Adopt measures and policies to protect the rights and needs of  
27 trafficked persons who are foreign nationals in the Philippines;

1 (o) Initiate training programs in identifying and providing the necessary  
2 intervention or assistance to trafficked persons; and

3 (p) Exercise all the powers and perform such other functions necessary  
4 to attain the purposes and objectives of this Act.

5 Sec. 6. Section 24 of Republic Act No. 9208 is hereby amended to read as  
6 follows:

7 "*Section 24. Other Services for Trafficked Persons. -*

8 (a) Legal Assistance. - Trafficked persons shall be considered under the  
9 category "Overseas Filipino in Distress" and may avail of the legal  
10 assistance created by Republic Act No. 8042, subject to the guidelines as  
11 provided by law.

12 (b) Overseas Filipino Resource Centers. - The services available to  
13 overseas Filipinos as provided for by Republic Act No. 8042 shall also be  
14 extended to trafficked persons regardless of their immigration status in  
15 the host country.

16 (c) The Country Team Approach. - The country team approach under  
17 Executive Order No. 74 of 1993, shall be the operational scheme under  
18 which Philippine embassies abroad shall provide protection to trafficked  
19 persons insofar as the promotion of their welfare, dignity and  
20 fundamental rights are concerned.

21 **(D) RECOVERY AND REINTEGRATION PROGRAM FOR**  
22 **TRAFFICKED PERSONS (RRPTP). – THE DSWD SHALL**  
23 **IMPLEMENT A RECOVERY AND REINTEGRATION FOR**  
24 **TRAFFICKED PERSONS WHICH INCLUDE A COMPREHENSIVE**  
25 **PACKAGE OF SERVICES FOR INDIVIDUAL VICTIM-SURVIVOR**  
26 **OF TIP, THE IMMEDIATE FAMILY AND THE COMMUNITY AT**  
27 **LARGE. THE RRPTP MUST INCLUDE THE FOLLOWING MAJOR**  
28 **PROGRAM COMPONENT:**

- 1                   **(1) CAPABILITY ENHANCEMENT FOR SERVICE PROVIDERS;**  
2                   **(2) DIRECT SERVICES TO TRAFFICKED PERSONS, WHICH**  
3                   **SHALL COVER COSTS FOR AUXILIARY SERVICES TO**  
4                   **VICTIMS/WITNESSES, WHICH INCLUDES**  
5                   **TRANSPORTATION, BOARD AND LODGING,**  
6                   **DOCUMENTATION AND OTHER INCIDENTAL EXPENSES;**  
7                   **(3) UPGRADE OF TEMPORARY SHELTERS;**  
8                   **(4) IMPLEMENTATION OF THE NATIONAL REFERRAL**  
9                   **SYSTEM AND UPDATING AND MAINTENANCE OF THE**  
10                   **NATIONAL RECOVERY AND REINTEGRATION DATABASE;**  
11                   **AND**  
12                   **(5) ADVOCACY.**

13                   **Sec. 7. Effectivity.** – This Act shall take effect after fifteen (15) days following  
14 its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,