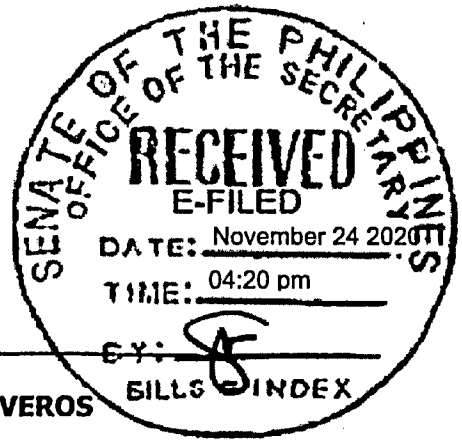


**EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session**

SENATE

S.B. No. 1929



INTRODUCED BY SENATOR RISA HONTIVEROS

**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

Trafficking in persons remains a significant issue in the Philippines, with a vast majority of victims being women and girls. In 2019, there were 1,443 victims of trafficking in case officially reported to the authorities. Studies conducted reveal patterns in these cases of trafficking – nearly all victims of trafficking come from economically-disadvantaged communities, the trafficking syndicates are supported by other interlinked syndicates such as those involved in passport falsification and airport control, the internet and its technologies are now used as a gateway for the recruitment, grooming, and sexual exploitation of victims.

The 2020 Trafficking in Persons in the Philippines Report by the U.S. State Department recognized the efforts of the Philippine government in meeting the minimum standards for the elimination of trafficking, there are still policy gaps that need to be addressed and updates to the previous Anti Trafficking in Persons in law that need to be institutionalized.

This bill proposes several innovations and features. It recognizes the use of online and digital platforms as a means to commit the crime of trafficking in persons and expands the definition of trafficking in persons to include the online sexual exploitation of a child. It imposes penalties on private facilities such as internet service providers, financial intermediaries, transport services including their online applications, that

knowingly allow the use of their facilities, whether digital or physical, for purposes of trafficking. It increases mechanisms and resources for law enforcement units, local government units, national agencies and non-government organizations, to help them perform their mandate to prevent trafficking, prosecute traffickers and provide protection for trafficked victims. It explicitly prohibits convicted alien sex offenders from entering the country. It expands the list of qualified offenses to the crime of anti-trafficking in persons, and in light of the pandemic and our recent experiences with disaster and emergencies, imposes higher penalties when the crime is committed during a crisis, disaster, or emergency situation, or when the trafficked person is a survivor of a disaster or a human-induced conflict.

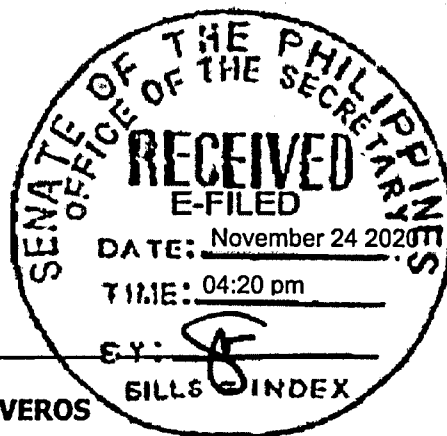
Hence, the Immediate passage of this measure is earnestly sought.

Risa Hontiveros Garapul
RISA HONTIVEROS
Senator

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PENALTIES FOR ITS VIOLATIONS AND FOR OTHER PURPOSES"

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

1 Sec. 1. Section 2 of Republic Act No. 9208 is hereby amended to read as follows:

2 **"SECTION 2.** Declaration of Policy. – It is hereby declared that the State
3 values the dignity of every human person and guarantees the respect of
4 individual rights. In pursuit of this policy, the State shall give highest priority
5 to the enactment of measures and development of programs that will
6 promote human dignity, protect the people from any threat of violence and
7 exploitation, eliminate trafficking in persons, and mitigate pressures for
8 involuntary migration and servitude of persons, not only to support
9 trafficked persons but more importantly, to ensure their recovery,
10 rehabilitation, and reintegration into the mainstream of society **IN A**
11 **MANNER THAT IS GENDER RESPONSIVE.**

12 "It shall be a State policy to recognize the equal rights and inherent human
13 dignity of women and men as enshrined in the United Nations Universal
14 Declaration on Human Rights, United Nations Convention on the Elimination
15 of All Forms of Discrimination Against Women, United Nations Convention
16 on the Rights of the Child **AND ITS OPTIONAL PROTOCOLS**, United
17 Nations Convention on the Protection of Migrant Workers and their Families,
18 United Nations Convention Against Transnational Organized Crime Including
19 its Protocol to Prevent, Suppress and Punish Trafficking in Persons,
20 Especially Women and Children; **ILO CONVENTION NO. 182,**

1 **CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR**
2 **THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR;** and
3 all other relevant and universally accepted human rights instruments and
4 other International conventions to which the Philippines is a signatory."

5 **IN ALL ACTIONS CONCERNING CHILDREN, THEIR BEST**
6 **INTERESTS SHALL BE THE PARAMOUNT CONSIDERATION.**

7 Sec. 2. Section 3 is hereby amended to read as follows:

8 "SEC. 3. Definition of Terms. – As used In this Act:

9 "(a) Trafficking in Persons – refers to the recruitment, obtaining, hiring,
10 providing, offering, transportation, transfer, maintaining, harboring, or
11 receipt of persons with or without the victim's consent or knowledge, within
12 or across national borders by means of threat, or use of force, or other
13 forms of coercion, abduction, fraud, deception, abuse of power or of
14 position, taking advantage of the vulnerability of the person, or, the giving
15 or receiving of payments or benefits to achieve the consent of a person
16 having control over another person, **OR THROUGH THE USE OF ONLINE**
17 **OR DIGITAL PLATFORMS.** for the purpose of exploitation which includes
18 at a minimum, the exploitation or the prostitution of others, or the
19 engagement of others for pornography, or other forms of sexual
20 exploitation, forced labor or services, slavery, servitude or the removal or
21 sale of organs.

22 "The recruitment, transportation, transfer, harboring, adoption or receipt of
23 a child for the purpose of exploitation or when the adoption is induced by
24 any form of consideration for exploitative purposes, **AS WELL AS THE**
25 **ONLINE SEXUAL EXPLOITATION OF A CHILD** shall also be considered
26 as 'trafficking in persons' even if it does not involve any of the means set
27 forth in the preceding paragraph.

28 x x x

29 ~~(h) Sexual Exploitation – refers to participation by a person in prostitution,~~
30 ~~pornography or the production of pornography, in exchange for money,~~
31 ~~profit or any other consideration or where the participation is caused or~~
32 ~~facilitated by any means of intimidation or threat, use of force, or other~~
33 ~~forms of coercion, abduction, fraud, deception, debt bondage, abuse of~~
34 ~~power or of position or of legal process, taking advantage of the~~
35 ~~vulnerability of the person, or giving or receiving of payments or benefits to~~
36 ~~achieve the consent of a person having control over another person; or in~~

sexual-intercourse or lascivious conduct caused or facilitated by any means as provided in the Act: **MEANS ANY ACTUAL OR ATTEMPTED ABUSE OF A POSITION OF VULNERABILITY, DIFFERENTIAL POWER, OR TRUST, FOR SEXUAL PURPOSES OR LEWD DESIGNS, INCLUDING, BUT NOT LIMITED TO, PROFITING MONETARILY, SOCIALLY OR POLITICALLY FROM THE SEXUAL EXPLOITATION OF ANOTHER, WHERE THE EXPLOITATION PERTAINS TO AN ADULT SEXUALLY EXPLOITING A CHILD THROUGH THE USE OF THE INTERNET OR THE ONLINE PLATFORM, THE SAME SHALL BE REFERRED TO AS ONLINE SEXUAL EXPLOITATION OF A CHILD.**

(i) Pornography – refers to any representation through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person primarily for sexual purposes; **Provided, that "child pornography" REFERS TO ANY REPRESENTATION, WHETHER VISUAL, AUDIO, OR WRITTEN COMBINATION THEREOF, BY ELECTRONIC, MECHANICAL, DIGITAL, OPTICAL, MAGNETIC OR ANY OTHER MEANS, OF CHILD ENGAGED OR INVOLVED IN REAL OR SIMULATED EXPLICIT SEXUAL ACTIVITY. EXPLICIT SEXUAL ACTIVITY, INCLUDES ACTUAL OR SIMULATED SEXUAL INTERCOURSE OR LASCIVIOUS ACT INCLUDING, BUT NOT LIMITED TO, CONTACT INVOLVING GENITAL TO GENITAL, ANAL TO GENITAL, OR ORAL TO AND ANAL, WHETHER BETWEEN PERSONS OF THE SAME OR OPPOSITE SEX; BESTIALITY; MASTURBATION; SADISTIC OR MASOCHISTIC ABUSE; LASCIVIOUS EXHIBITION OF THE GENITALS, BUTTOCKS, BREASTS, PUBIC AREA AND/OR ANUS; OR USE OF ANY OBJECT OR INSTRUMENT FOR LASCIVIOUS ACTS**

Sec. 3. Section 4 is hereby amended to read as follows:

"SEC. 4. Acts of Trafficking in Persons. – It shall be unlawful for any person, natural or juridical, to commit BY MEANS OF THREAT, OR USE OF FORCE, OR OTHER FORMS OF COERCION, ABDUCTION, FRAUD, DECEPTION, ABUSE OF POWER OR OF POSITION, TAKING ADVANTAGE OF THE VULNERABILITY OF THE PERSON, OR, THE GIVING OR RECEIVING OF PAYMENTS OR BENEFITS TO ACHIEVE THE CONSENT OF A PERSON HAVING CONTROL OVER ANOTHER

1 **PERSON, OR THROUGH THE USE OF ONLINE OR DIGITAL**
2 **PLATFORMS**, any of the following acts:

3 "(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain,
4 harbor, or receive a person by any means, including those done under the
5 pretext of domestic or overseas employment or training or apprenticeship,
6 for the purpose of prostitution, pornography, or sexual exploitation,
7 **FORCED LABOR, SLAVERY, INVOLUNTARY SERVITUDE OR DEBT**
8 **BONDAGE**;

9 x x x

10 "(h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain,
11 provide, offer, receive or abduct a person, ~~by means of threat or use of~~
12 ~~force, fraud, deceit, violence, coercion, or intimidation~~ for the purpose of
13 removal or sale of organs of said person;

14 Sec. 4. Section 5 is hereby amended to read as follows:

15 "*SEC. 5. Acts that Promote Trafficking in Persons.* – The following acts which
16 promote or facilitate trafficking in persons, shall be unlawful:

17 "(a) To knowingly lease or sublease, use or allow to be used any house,
18 building or establishment; or any **VEHICLES OR CARRIERS BY LAND,**
19 **SEA AND AIR; AND ANY OF THEIR ONLINE OR DIGITAL**
20 **PLATFORMS AND APPLICATIONS** for the purpose of promoting
21 trafficking in persons;

22 **"(b) FOR INTERNET SERVICE PROVIDERS, INTERNET CONTENTS**
23 **HOSTS, AND ANY SUCH SIMILAR SERVICE PROVIDERS IN**
24 **INFORMATION AND TECHNOLOGY SECTOR, TO KNOWINGLY**
25 **ALLOW THEIR INFRASTRUCTURE TO BE USED FOR THE PURPOSE**
26 **OF PROMOTING TRAFFICKING IN PERSONS;**

27 **"(c) FOR INTERNET CAFES AND KIOSKS, INCLUDING**
28 **ESTABLISHMENTS OFFERING WI-FI ACCESS SERVICES TO THE**
29 **PUBLIC, TO KNOWINGLY ALLOW ITS FACILITIES TO BE USED FOR**
30 **THE PURPOSE OF PROMOTING TRAFFICKING IN PERSONS;**

31 **"(d) FOR FINANCIAL INTERMEDIARIES, INCLUDING, NOT**
32 **LIMITED TO BANKS AND CREDIT CARD COMPANIES AND MONEY**
33 **TRANSFER OR REMITTANCE CENTERS, TO KNOWINGLY ALLOW**
34 **ITS SERVICES, INCLUDING ITS ONLINE PLATFORM AND**
35 **APPLICATIONS TO BE USED FOR THE PURPOSE OF PROMOTING**
36 **TRAFFICKING IN PERSONS;**

1 ~~"(E) (d)~~ To produce, print and issue or distribute unissued, tampered or
2 fake counseling certificates, registration stickers and certificates of any
3 government agency which issues these certificates and stickers as proof of
4 compliance with government regulatory and pre-departure requirements for
5 the purpose of promoting trafficking in persons;

6 ~~"(E) (e)~~ To advertise, publish, print, broadcast or distribute, or cause the
7 advertisement, publication, printing, broadcasting or distribution by any
8 means, including the use of information technology and the internet, of any
9 brochure, flyer, or any propaganda material that promotes trafficking in
10 persons;

11 ~~"(H) (f)~~ To assist in the conduct of misrepresentation or fraud for purposes
12 of facilitating the acquisition of clearances and necessary exit documents
13 from government agencies that are mandated to provide pre-departure
14 registration and services for departing persons for the purpose of promoting
15 trafficking in persons;

16 ~~"(I) (g)~~ To facilitate, assist or help in the exit and entry of persons from/to
17 the country at international and local airports, territorial boundaries and
18 seaports who are in possession of unissued, tampered or fraudulent travel
19 documents for the purpose of promoting trafficking in persons;

20 ~~"(J) (h)~~ **TO KNOWINGLY FACILITATE, ASSIST OR HELP IN THE**
21 **ENTRY OF PERSONS TO THE COUNTRY AT INTERNATIONAL AND**
22 **LOCAL AIRPORTS, TERRITORIAL BOUNDARIES AND SEAPORTS**
23 **WHO ARE CONVICTED SEX OFFENDERS IN ANY JURISDICTION;**

24 To confiscate, conceal, or destroy the passport, travel documents, or
25 personal documents or belongings of trafficked persons in furtherance of
26 trafficking or to prevent them from leaving the country or seeking redress
27 from the government or appropriate agencies;

28 ~~"(K) (i)~~ To knowingly benefit from, financial or otherwise, or make use of,
29 the labor or services of a person held to a condition of involuntary servitude,
30 forced labor, or slavery;

31 ~~"(L) (j)~~ To tamper with, destroy, or cause the destruction of evidence, or
32 to influence or attempt to influence witnesses, in an investigation or
33 prosecution of a case under this Act;

34 ~~"(M) (k)~~ To destroy, conceal, remove, confiscate or possess, or attempt to
35 destroy, conceal, remove, confiscate or possess, any actual or purported
36 passport or other travel, immigration or working permit or document, or any

1 other actual or purported government identification, of any person in order
2 to prevent or restrict, or attempt to prevent or restrict, without lawful
3 authority, the person's liberty to move or travel in order to maintain the
4 labor or services of that person; or

5 "(N) (H) To utilize his or her office to impede the investigation, prosecution
6 or execution of lawful orders in a case under this Act."

7 Sec. 5. Section 6 is hereby amended to read as follows:

8 "SECTION 6. Qualified Trafficking in Persons. – Violations of Section 4 of
9 this Act shall be considered as qualified trafficking:

10 x x x

11 "(h) WHEN THE OFFENDER COMMITS ONE OR MORE VIOLATIONS
12 OF SECTION 4 OVER A PERIOD OF SIXTY (60) OR MORE DAYS,
13 WHETHER THOSE DAYS ARE CONTINUOUS OR NOT;

14 "(i) WHEN THE OFFENDER DIRECTS OR THROUGH ANOTHER
15 MANAGES THE TRAFFICKING VICTIM IN CARRYING OUT THE
16 EXPLOITATIVE PURPOSE OF TRAFFICKING;

17 "(j) WHEN THE CRIME IS COMMITTED DURING A CRISIS,
18 DISASTER, OR EMERGENCY SITUATION, OR WHEN THE
19 TRAFFICKED PERSON IS A SURVIVOR OF A DISASTER OR A
20 HUMAN-INDUCED CONFLICT;

21 "(k) WHEN THE TRAFFICKED PERSON BELONGS TO AN
22 INDIGENOUS COMMUNITY AND IS CONSIDERED AN INDIGENOUS
23 PERSON;

24 "(l) WHEN THE TRAFFICKED PERSON IS A PERSON WITH
25 DISABILITY; OR

26 "(m) WHEN THE CRIME HAS RESULTED IN PREGNANCY."

27 Sec. 6. Section 8 is hereby amended to read as follows:

28 "SECTION 8. Prosecution AND INVESTIGATION of Cases. –

29 "(A) PROSECUTION. Any person who has personal knowledge of the
30 commission of any offense under this Act, such as the trafficked person, the
31 parents, spouse, siblings, children or legal guardian may file a complaint for
32 trafficking.

33 "(B). INITIATION OF INVESTIGATION. – LAW ENFORCEMENT
34 AGENCIES ARE MANDATED TO IMMEDIATELY INITIATE
35 INVESTIGATION AND COUNTER-TRAFFICKING-INTELLIGENCE
36 GATHERING UPON RECEIPT OF STATEMENTS OR AFFIDAVIT FROM

1 VICTIMS OF TRAFFICKING, MIGRANT WORKERS, OR THEIR
2 FAMILIES, AND OTHER PERSONS WHO HAVE KNOWLEDGE OR
3 INFORMATION ABOUT TRAFFICKING IN PERSONS CASES.

4 "(C). PLEA BARGAINING WHERE OFFENDED PARTIES ARE
5 MINORS. PLEA BARGAINING OF CASES INVOLVING OFFENDED
6 PARTIES WHO ARE MINORS MUST BE DEALT WITH UTMOST
7 PRUDENCE, AND MAY BE DONE ONLY WHEN IN THE BEST
8 INTEREST OF THE CHILD. WHERE THE ACCUSED ARE PARENTS OR
9 RELATIVES OF THE OFFENDED PARTIES, PLEA BARGAINING MAY
10 BE ALLOWED ONLY AFTER AN ASSESSMENT BY THE COURT
11 SOCIAL WORKER THAT THE PLEA BARGAINING SHALL BE TO THE
12 CHILD'S BEST INTEREST.

13 "E. AFFIDAVIT OF DESISTANCE. – CASES INVOLVING
14 TRAFFICKING IN PERSONS SHOULD NOT BE DISMISSED BASED
15 ON THE AFFIDAVIT OF DESISTANCE EXECUTED BY THE VICTIMS
16 OR THEIR PARENTS OR LEGAL GUARDIANS. PUBLIC AND PRIVATE
17 PROSECUTORS ARE DIRECTED TO OPPOSE AND MANIFEST
18 OBJECTIONS TO MOTIONS FOR DISMISSAL, ANY ACT INVOLVING
19 THE MEANS PROVIDED IN THIS ACT OR ANY ATTEMPT THEREOF
20 FOR THE PURPOSE OF SECURING AN AFFIDAVIT OF DESISTANCE
21 FROM THE COMPLAINANT SHALL BE PUNISHABLE UNDER THIS
22 ACT.

23 "F. VENUE. – A CRIMINAL ACTION ARISING FROM A VIOLATION
24 OF THIS ACT SHALL BE FILED WHERE THE OFFENSE WAS
25 COMMITTED, OR WHERE ANY OF ITS ELEMENTS OCCURRED, OR
26 WHERE THE TRAFFICKED PERSON ACTUALLY RESIDES AT THE
27 TIME OF THE COMMISSION OF THE OFFENSE; PROVIDED, THAT
28 THE COURT WHERE THE CRIMINAL ACTION IS FIRST FILED SHALL
29 ACQUIRE JURISDICTION TO THE EXCLUSION OF OTHER COURTS.

30 Sec. 7. Section 9 of Republic Act No. 9208 is hereby deleted, and a new Sections
31 9 shall read as follows:

32 SECTION 9. DUTIES AND RESPONSIBILITIES OF THE PRIVATE
33 SECTOR. INTERNET SERVICE PROVIDERS, INTERNET CONTENT
34 HOSTS AS DEFINED BY REPUBLIC ACT NO. 9775, INTERNET CAFES
35 AND KIOSKS AS DEFINED UNDER REPUBLIC ACT NO. 9775,
36 ESTABLISHMENTS OFFERING WIFI AND OTHER ANALOGOUS

1 SERVICES; FINANCIAL INTERMEDIARIES INCLUDING BANKS AND
2 CREDIT CARD COMPANIES, MONEY AND REMITTANCE CENTERS,
3 AND OPERATORS OF FINANCIAL MOBILE PAYMENT
4 APPLICATIONS; TOURISM ENTERPRISES AS DEFINED UNDER
5 REPUBLIC ACT 9593 AND MALLS AND OTHER FACILITIES OPEN
6 AND CATERING TO THE PUBLIC FOR ANY PURPOSE; TRANSPORT
7 SERVICES, INCLUDING PUBLIC CARRIERS AND MODES OF
8 TRANSPORTATION ON LAND, AIR AND SEA, AND TRANSPORT
9 NETWORK VEHICLE SERVICES (TNVS), AND OTHER BUSINESS
10 AND PRIVATE ESTABLISHMENTS, SHALL PREVENT THEIR
11 FACILITIES, INCLUDING BOTH PHYSICAL AND TECHNOLOGICAL
12 INFRASTRUCTURE AND ONLINE AND DIGITAL PLATFORMS, FROM
13 BEING UTILIZED IN VIOLATION OF THE PROVISIONS OF THIS
14 ACT.

15 THESE ENTITIES SHALL IMMEDIATELY REPORT TO RELEVANT
16 AUTHORITIES ANY FACTS OR CIRCUMSTANCES THAT COME
17 WITHIN THEIR PERSONAL KNOWLEDGE GIVING RISE TO
18 VIOLATIONS OF ANY PROVISION OF THIS ACT; PRESERVE DATA
19 AND EVIDENCE IN RELATION TO VIOLATIONS OF THIS ACT FOR
20 PURPOSES OF INVESTIGATION AND PROSECUTION BY RELEVANT
21 AUTHORITIES; AND TAKE POSITIVE MEASURES TO PROMOTE
22 AWARENESS AGAINST TRAFFICKING IN PERSONS.

23 INTERNET CAFES AND KIOSKS AS WELL AS ESTABLISHMENTS
24 OFFERING WIFI AND OTHER ANALOGOUS SERVICES SHALL
25 INSTALL AND UPDATE PROGRAMS AND SOFTWARE DESIGNED TO
26 DETECT SEXUALLY EXPLICIT ACTIVITIES INVOLVING CHILDREN,
27 AND ENSURE THAT ACCESS TO OR TRANSMITTAL OF SUCH
28 MATERIALS WILL BE BLOCKED OR FILTERED.

29 INTERNET CAFES AND KIOSKS, MONEY TRANSFER AND
30 REMITTANCE CENTERS, TRANSPORT SERVICES, TOURISM
31 ENTERPRISES, TRANSPORT SERVICES, AND MALLS AND OTHER
32 FACILITIES OPEN AND CATERING TO THE PUBLIC SHALL
33 PROMOTE AWARENESS AGAINST TRAFFICKING IN PERSONS
34 THROUGH CLEAR AND VISIBLE SIGNAGES IN BOTH ENGLISH AND
35 THE LOCAL DIALECT, WITH LOCAL AND NATIONAL HOTLINES
36 POSTED WITHIN THEIR FACILITIES.

1 FRONTLINE EMPLOYEES OF THESE PRIVATE ESTABLISHMENTS
2 WHO ARE LIKELY TO INTERACT WITH VICTIMS AND SUSPECTS OF
3 HUMAN TRAFFICKING, SHALL BE PROVIDED GENDER-
4 SENSITIVITY AND CHILD PROTECTION TRAININGS, WHICH
5 SHALL INCLUDE TRAININGS ON IDENTIFICATION OF
6 TRAFFICKING RED FLAGS AND REPORTING, PURSUANT TO A
7 TRAINING CURRICULUM PRESCRIBED BY THE COUNCIL.
8 NOTHING IN THIS SECTION SHALL BE CONTRUED AS AN
9 AUTHORITY TO BREACH THE PROVISIONS OF THE DATA PRIVACY
10 ACT, PROVIDED THAT ANY REPORT MADE TO AUTHORITIES AND
11 DONE IN GOOD FAITH SHALL EXEMPT INDIVIDUAL WHO MADE
12 THE REPORT FROM ANY CIVIL OR CRIMINAL LIABILITY ARISING
13 FROM THIS ACT.

14 Sec. 8. Section 10 is hereby amended to read as follows:

15 "PENALTIES AND SANCTIONS. – THE FOLLOWING PENALTIES AND
16 SANCTIONS ARE HEREBY ESTABLISHED FOR THE OFFENSES
17 ENUMERATED IN THIS ACT:

18 x x x

19 (I) ANY PERSON WHO VIOLATES SECTION 9 HEREOF SHALL SUFFER
20 THE PENALTY OF IMPRISONMENT OF SIX MONTHS AND ONE DAY
21 TO SIX YEARS AND A FINE OF NOT LESS THAN FIFTY THOUSAND
22 PESOS BUT NOT MORE THAN FIVE HUNDRED THOUSAND PESOS.

23 (J) WITHOUT PREJUDICE TO THE CRIMINAL LIABILITY OF THE
24 PERSON OR PERSONS WILFULLY REFUSING TO PERFORM THE
25 RESPONSIBILITIES UNDER SECTION 9 OF THIS ACT, JURIDICAL
26 PERSONS OWNING OR MANAGING THE AFOREMENTIONED
27 ENTERPRISES SHALL BE SUBSIDIARILY LIABLE, AND SHALL BE
28 IMPOSED A PENALTY OF A FINE IN THE AMOUNT OF FIVE
29 HUNDRED THOUSAND PESOS (P500,000.00) TO ONE MILLION
30 PESOS (P1,000,000.00) AND A REVOCATION OF THEIR LICENSE
31 OR PERMIT TO OPERATE.

32 Sec. 9. Section 16 is hereby amended to read as follows:

33 "SECTION 16. Programs that Address Trafficking in Persons. – The
34 government shall establish and implement preventive, protective and
35 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 resources
4 and facilities overseas for trafficked persons regardless of their manner of
5 entry to the receiving country, and explore means to further enhance its
6 assistance in eliminating trafficking activities through closer networking with
7 government agencies in the country and overseas, particularly in the
8 formulation of policies and implementation of relevant programs. **IT SHALL**
9 **PROVIDE FILIPINO VICTIMS OF TRAFFICKING OVERSEAS WITH**
10 **FREE LEGAL ASSISTANCE AND COUNSEL TO PURSUE LEGAL**
11 **ACTION AGAINST HIS OR HER TRAFFICKERS, REPRESENT HIS OR**
12 **HER INTERESTS IN ANY CRIMINAL INVESTIGATION OR**
13 **PROSECUTION, AND ASSIST IN THE APPLICATION FOR SOCIAL**
14 **BENEFITS AND/OR REGULAR IMMIGRATION STATUS AS MAY BE**
15 **ALLOWED OR PROVIDED FOR BY THE HOST COUNTRY. THE DFA**
16 **SHALL REPATRIATE TRAFFICKED FILIPINOS WITH THE CONSENT**
17 **OF THE VICTIMS.**

18 "The DFA shall take necessary measures for the efficient implementation of
19 the **ELECTRONIC PASSPORTING SYSTEM** to protect the integrity of
20 Philippine passports, visas and other travel documents to reduce the
21 incidence of trafficking through the use of fraudulent identification
22 documents.

23 **"IN COORDINATION WITH THE DEPARTMENT OF LABOR AND**
24 **EMPLOYMENT, IT SHALL PROVIDE FREE TEMPORARY SHELTERS**
25 **AND OTHER SERVICES TO FILIPINO VICTIMS OF TRAFFICKING**
26 **OVERSEAS THROUGH THE MIGRANT WORKERS AND OTHER**
27 **OVERSEAS FILIPINOS RESOURCE CENTERS ESTABLISHED**
28 **OVERSEAS UNDER REPUBLIC ACT NO. 8042, AS AMENDED.**

29 It shall establish and implement a **GENDER-SENSITIVE** pre-marriage, on-
30 site and pre-departure counseling program on intermarriages.

31 **"IN COORDINATION WITH THE BUREAU OF IMMIGRATION (BI)**
32 **AND THE DEPARTMENT OF JUSTICE (DOJ), THE DFA SHALL**
33 **ENSURE THAT ALL CONVICTED SEX OFFENDERS IN ALL**
34 **JURISDICTIONS OR THOSE LISTED IN THE REGISTRY OF SEX**
35 **OFFENDERS IN THEIR OWN COUNTRIES SHALL NOT BE ALLOWED**
36 **ENTRY IN THE PHILIPPINES. IT SHALL DISALLOW ENTRY OF**

1 FOREIGN NATIONALS WHO HAVE BEEN BLACKLISTED OR PLACED
2 IN THE WATCHLIST STATUS FOR HAVING COMMITTED SEX
3 OFFENSES AGAINST WOMEN AND CHILDREN, OR SIMILAR
4 ACTIVITIES AS TRAFFICKING IN PERSONS, IN ANY
5 JURISDICTION.

6 THE FOLLOWING FOREIGN NATIONALS OR ALIENS MAY BE
7 EXCLUDED FROM ANY FORM OF TRAVEL, VISIT, ENTRY, OR
8 PASSAGE THROUGH THE PHILIPPINES OR ANY AREA WITHIN
9 WHICH THE PHILIPPINES EXERCISES JURISDICTION:

10 (1) ANY ALIEN WHO HAS COMMITTED ANY OFFENSE BY REASON OF
11 HIS/HER OMISSION OF AN OBLIGATION TO PROTECT OR RESCUE
12 A WOMAN AND/OR CHILDREN, OR TO REPORT A CRIME
13 COMMITTED AGAINST THE SAME, IN VIOLATION OF ANY
14 NATIONAL, STATE, OR DOMESTIC LAW RELATED TO ANY ACT OF
15 TRAFFICKING IN PERSONS, WHETHER IN HIS/HER STATE OF
16 CITIZENSHIP OR ANY STATE OR TERRITORIAL JURISDICTION
17 OUTSIDE THE PHILIPPINES:

18 (2) ANY ALIEN WHO IS IN CONFLICT WITH THE LAW, WHETHER IT
19 IS IN THE LAW OF THE STATE OF HIS/HER CITIZENSHIP OR IN
20 ANY OTHER STATE OR TERRITORIAL JURISDICTION OUTSIDE
21 THE PHILIPPINES, OR HAS A PENDING CASE, WHETHER
22 ADMINISTRATIVE, CIVIL, OR CRIMINAL, BEFORE ANY POLICE,
23 PROSECUTORIAL, QUASI-JUDICIAL, OR JUDICIAL AUTHORITIES,
24 RELATED TO ACTS SIMILAR OR ANALOGOUS IN NATURE TO ACTS
25 PENALIZED IN SECTIONS 4 AND 5 OF THIS ACT, AS WELL AS ACTS
26 THAT, HAD THEY BEEN COMMITTED IN MAY CONSTITUTE
27 VIOLATIONS OF THE SPECIAL PROTECTION FOR CHILDREN
28 AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION
29 ACT (R.A. No. 7610); THE LAW ON THE PROHIBITION OF THE
30 CHILD LABOR (R.A. No. 7658); THE ANTI-RAPE LAW OF 1997
31 (R.A. No. 8353); THE LAW ON THE PROHIBITION OF HAZARDOUS
32 CHILD LABOR (R.A. No. 9231); THE ANTI-VIOLENCE AGAINST
33 WOMEN AND THEIR CHILDREN ACT (R.A. No. 9262); THE ANTI-
34 CHILD PORNOGRAPHY ACT (R.A. No. 9775); THE ANTI-PHOTO
35 AND VIDEO VOYEURISM ACT (R.A. No. 9995); THE SAFE SPACES
36 ACT (R.A. No. 11313); AS WELL AS OTHER SEX OFFENSES, SEX-

1 RELATED OFFENSES, AND SPECIFIED OFFENSES AGAINST
2 WOMEN AND/OR CHILDREN.

3 FURTHERMORE, THE DFA, THE BI, AND THE DOJ SHALL DEVELOP
4 MECHANISMS TO ENSURE THE TIMELY, COORDINATED, AND
5 EFFECTIVE RESPONSE TO CROSS-BORDER CASES OF
6 TRAFFICKING; RECOMMEND MEASURES AND UNDERTAKE JOINT
7 ACTIVITIES TO ENHANCE COOPERATIVE EFFORTS AND MUTUAL
8 ASSISTANCE AMONG FOREIGN COUNTRIES THROUGH BILATERAL
9 AND/OR MULTI-LATERAL ARRANGEMENTS TO PROMOTE THE
10 REGISTRATION OF TRAFFICKING AND SEX OFFENDERS AND
11 THEIR NOTIFICATION TO PERSONS CONCERNED; ADOPT
12 MEASURES AND POLICIES TO PROTECT THE RIGHTS AND NEEDS
13 OF VICTIMS WHO ARE FOREIGN NATIONALS OR WHO ARE
14 STATELESS IN THE PHILIPPINES AND FOREIGN NGOs CARING
15 FOR AND PROTECTING VICTIMS; INITIATE TRAINING PROGRAMS
16 IN IDENTIFYING AND PROVIDING THE NECESSARY MEASURES
17 FOR INTERVENTION OR ASSISTANCE TO VICTIMS OR NGOs
18 PROTECTING VICTIMS.

19 "(b) Department of Social Welfare and Development (DSWD) – shall
20 implement rehabilitative and protective programs for trafficked persons. It
21 shall provide counseling and temporary shelter to trafficked persons and
22 develop a system for accreditation among NGOs for purposes of establishing
23 centers and programs for intervention in various levels of the community.
24 IT SHALL ESTABLISH FREE TEMPORARY SHELTERS, FOR THE
25 PROTECTION AND HOUSING OF TRAFFICKED PERSONS TO
26 PROVIDE THE FOLLOWING BASIC SERVICES:

27 (1) TEMPORARY HOUSING AND FOOD FACILITIES;

28 (2) PSYCHOLOGICAL SUPPORT AND COUNSELING;

29 (3) 24-HOUR CALL CENTER FOR CRISIS CALLS AND TECHNOLOGY-
30 BASED COUNSELING AND REFERRAL SYSTEM;

31 (4) COORDINATION WITH LOCAL LAW ENFORCEMENT ENTITIES;
32 AND

33 (5) THE DSWD MUST CONDUCT INFORMATION CAMPAIGNS IN
34 COMMUNITIES AND SCHOOLS TEACHING PARENTS AND
35 FAMILIES THAT RECEIVING CONSIDERATION IN EXCHANGE FOR
36 ADOPTION IS PUNISHABLE UNDER THE LAW. FURTHERMORE,

1 **INFORMATION CAMPAIGNS MUST BE CONDUCTED WITH THE**
2 **POLICE THAT THEY MUST NOT INDUCE POOR WOMEN TO GIVE**
3 **THEIR CHILDREN UP FOR ADOPTION IN EXCHANGE FOR**
4 **CONSIDERATION.**

5 "(c) Department of Labor and Employment (DOLE) – shall ensure the strict
6 implementation and compliance with the rules and guidelines relative to
7 **STANDARD LABOR CONDITIONS AND** the employment of persons
8 locally and overseas **ACROSS ALL SECTORS.** It shall likewise monitor,
9 document and report cases of trafficking in persons involving employers and
10 **FORMAL/INFORMAL** labor recruiters **ACROSS ALL SECTORS,**
11 **PROVIDE EMPLOYMENT FACILITATION AND LIVELIHOOD**
12 **OPPORTUNITIES TO TRAFFICKED VICTIMS AND SURVIVORS. IT**
13 **SHALL ASSIST IN THE PROSECUTION OF EMPLOYERS HIRING**
14 **TRAFFICKED FOREIGN NATIONALS. IN COORDINATION WITH**
15 **THE DFA, IT SHALL PROVIDE FREE TEMPORARY SHELTERS AND**
16 **OTHER SERVICES TO FILIPINO VICTIMS OF TRAFFICKING**
17 **THROUGH THE MWOFRM UNDER REPUBLIC ACT NO. 8042.**

18 "(d) Department of Justice (DOJ) – shall ensure the prosecution of persons
19 accused of trafficking and designate and train special prosecutors who shall
20 handle and prosecute cases of trafficking. It shall also establish a
21 mechanism for free legal assistance for trafficked persons, in coordination
22 with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and
23 volunteer groups. **THE DOJ SHALL CONDUCT TRAININGS AND**
24 **CONTINUOUS EDUCATION PROGRAMS ON INVESTIGATION AND**
25 **PROSECUTION FOR TRAFFICKING IN PERSONS AND OTHER**
26 **RELATED OFFENSES FOR PROSECUTORS AND LAW ENFORCEMENT**
27 **OFFICERS, RECOMMEND THE NEGOTIATION OF MUTUAL LEGAL**
28 **ASSISTANCE AND EXTRADITION TREATIES TO OTHER COUNTRIES**
29 **IN COORDINATION WITH THE DFA; COORDINATE WITH**
30 **INTERNATIONAL POLICE AUTHORITIES FOR THE PROSECUTION**
31 **OF HUMAN TRAFFICKERS WITH A CROSS-BORDER ELEMENT;**
32 **INSTITUTIONALIZE BORDER CONTROL MECHANISMS TO**
33 **ENFORCE THE PROVISIONS OF THIS ACT; AND COORDINATE**
34 **WITH AND PROVIDE ASSISTANCE TO THE ANTI-MONEY**
35 **LAUNDERING COUNCIL (AMLC) ON CASES OF TRAFFICKING IN**
36 **PERSONS WITH POSSIBLE MONEY LAUNDRY UNDERPINNINGS.**

1 “(e) Philippine Commission on Women (PCW) – shall actively participate and
2 coordinate in the formulation and monitoring of policies addressing the issue
3 of trafficking in persons in coordination with relevant government agencies.

4 It shall likewise advocate for the inclusion of the Issue of trafficking in
5 persons in both its local and international advocacy for women’s issues. (a)

6 “(f) Bureau of Immigration (BI) – shall strictly administer and enforce
7 immigration and alien administration laws, **INCLUDING THE**
8 **PROHIBITION AGAINST THE ENTRY OF CONVICTED SEX**
9 **OFFENDERS**. It shall adopt measures for the apprehension of suspected

10 traffickers both at the place of arrival and departure, **ENSURE STRONGER**
11 **BORDER PROTECTION AGAINST HUMAN TRAFFICKING**
12 **INCLUDING BUT NOT LIMITED TO THE REGULATION OF VISA**
13 **UPON ARRIVALS**, and shall ensure compliance by the Filipino

14 fiancés/fiancées and spouses of foreign nationals with the guidance and
15 counseling requirement as provided for in this Act.

16 “(g) Philippine National Police (PNP) and **NATIONAL BUREAU OF**
17 **INVESTIGATION (NBI)** – shall be the primary law enforcement agencies
18 to undertake surveillance, investigation and arrest of individuals or persons
19 suspected to be engaged in trafficking. They shall closely coordinate with
20 each other and with other law enforcement agencies to secure concerted
21 efforts for effective investigation and apprehension of suspected traffickers.
22 They shall also establish a system to receive complaints and calls to assist
23 trafficked persons and conduct rescue operations. **THEY SHALL ALSO**
24 **COORDINATE WITH THEIR FOREIGN COUNTERPARTS AND WITH**
25 **INTERNATIONAL LAW ENFORCEMENT CASES OF TRAFFICKING**
26 **WITH A CROSS-BORDER ELEMENT, AND IN CASES OF ONLINE**
27 **SEXUAL EXPLOITATION OF CHILDREN WHERE THE PERPETRATOR**
28 **IS A FOREIGN NATIONAL LOCATED OUTSIDE THE PHILIPPINES.**

29 “(h) Philippine Overseas Employment Administration (POEA) and
30 **OVERSEAS WORKERS AND WELFARE ADMINISTRATION (OWWA)**
31 – POEA shall implement Pre-Employment Orientation Seminars (PEOS)
32 **WHILE PRE-DEPARTURE ORIENTATION SEMINARS (PDOS) SHALL**
33 **BE CONDUCTED BY THE OWWA.** It shall likewise formulate a system of
34 providing free legal assistance to trafficked persons.

35 **THE POEA SHALL CREATE A BLACKLIST OF RECRUITMENT**
36 **AGENCIES, ILLEGAL RECRUITERS AND PERSONS FACING**

1 ADMINISTRATIVE, CIVIL AND CRIMINAL COMPLAINTS FOR
2 TRAFFICKING FILED IN THE RECEIVING COUNTRY AND/OR IN
3 THE PHILIPPINES. THIS BLACKLIST SHALL BE POSTED IN
4 CONSPICUOUS PLACES IN CONCERNED GOVERNMENT AGENCIES
5 AND SHALL BE UPDATED BI-MONTHLY.

6 "THE BLACKLIST SHALL LIKEWISE BE POSTED BY THE POEA IN
7 THE SHARED GOVERNMENT INFORMATION SYSTEM, WHICH IS
8 MANDATED TO BE ESTABLISHED UNDER REPUBLIC ACT NO. 8042,
9 AS AMENDED.

10 "THE LICENSE OR REGISTRATION OF A RECRUITMENT AGENCY
11 THAT HAS BEEN BLACKLISTED MAY BE SUSPENDED BY THE POEA
12 UPON A REVIEW OF THE COMPLAINTS FILED AGAINST SAID
13 AGENCY.

14 "(i) Department of the Interior and Local Government (DILG) – shall
15 institute a systematic information and prevention campaign in coordination
16 with pertinent agencies of government as provided for in this Act. IN
17 COORDINATION WITH THE IACAT, IT SHALL PROVIDE CAPACITY-
18 BUILDING AND AWARENESS-RAISING PROGRAMS TO LOCAL
19 GOVERNMENT UNITS TO SUPPORT THE EFFECTIVE
20 IMPLEMENTATION OF A COMMUNITY-BASED TRAFFICKING
21 EDUCATION PROGRAM AND TO ENSURE WIDE UNDERSTANDING
22 AND APPLICATION OF THIS ACT AT THE LOCAL LEVEL.

23 IT SHALL PROVIDE LOCAL GOVERNMENT UNITS WITH A MODEL
24 ORDINANCE TO COMBAT TRAFFICKING IN PERSONS AND OTHER
25 FORMS OF EXPLOITATION AT THE LOCAL LEVEL.

26 "(J) COMMISSION ON FILIPINOS OVERSEAS – SHALL CONDUCT
27 PRE-DEPARTURE COUNSELING SERVICES FOR FILIPINOS IN
28 INTERMARRIAGES, INCLUDING AN ORIENTATION ON HUMAN
29 TRAFFICKING AND OTHER FORMS OF EXPLOITATION,
30 REPORTING MECHANISMS AND SERVICES AVAILABLE TO THE
31 VICTIMS AND SURVIVORS; MAINTAIN A WATCH LIST DATABASE
32 OF FOREIGN NATIONALS WITH A HISTORY OF DOMESTIC
33 VIOLENCE, INVOLVEMENT IN TRAFFICKING IN PERSONS, MAIL-
34 ORDER-BRIDE SCHEMES, CHILD ABUSE, AND SEXUAL ABUSE. IT
35 SHALL DEVELOP A SYSTEM OF ACCREDITATION OF NGOS THAT
36 MAY BE MOBILIZED FOR PURPOSES OF CONDUCTING PRE-

1 DEPARTURE COUNSELLING SERVICES FOR FILIPINOS IN
2 INTERMARRIAGES, AS SUCH, IT SHALL ENSURE THAT THE
3 COUNSELORS CONTEMPLATED UNDER THIS ACT SHALL HAVE THE
4 MINIMUM QUALIFICATIONS AND TRAINING OF GUIDANCE
5 COUNSELORS AS PROVIDED FOR BY LAW.

6 "IT SHALL LIKEWISE ASSIST IN THE CONDUCT OF INFORMATION
7 CAMPAIGNS AGAINST TRAFFICKING IN COORDINATION WITH
8 LOCAL GOVERNMENT UNITS, THE PHILIPPINE INFORMATION
9 AGENCY, AND NGOs.

10 "(K) DEPARTMENT OF HEALTH (DOH) – SHALL MAKE AVAILABLE
11 RESOURCES AND FACILITIES IN PROVIDING HEALTH CARE TO
12 VICTIMS OF TRAFFICKING, WHICH SHALL AT ALL TIMES BE HELD
13 CONFIDENTIAL. IT SHALL LIKEWISE DEVELOP A COMPREHENSIVE
14 PROGRAM TO PREVENT THE TRAFFICKING OF PERSONS FOR THE
15 REMOVAL OR SALE OF ORGANS. IT SHALL ALSO UNDERTAKE
16 ACTIVITIES TO INCREASE PUBLIC AWARENESS ON TRAFFICKING
17 IN PERSONS FOR THE REMOVAL OR SALE OF ORGANS, WHICH
18 MAY INCLUDE, BUT IS NOT LIMITED TO, AWARENESS AMONG
19 MEDICAL PRACTITIONERS, FAMILY AND PATIENT INFORMATION
20 AND EDUCATION, PUBLIC EDUCATION, AND ADVOCACY
21 CAMPAIGNS. IT SHALL ALSO RENDER ASSISTANCE IN THE
22 INVESTIGATION AND PROSECUTION OF TRAFFICKING IN
23 PERSONS FOR THE REMOVAL OR SALE OF ORGANS, AS WELL AS
24 TRAFFICKING OF INFANTS BORN IN HEALTH FACILITIES.

25 "(L) DEPARTMENT OF INFORMATION AND COMMUNICATIONS
26 TECHNOLOGY (DICT) – SHALL EXTEND ASSISTANCE FOR THE
27 PREVENTION OF HUMAN TRAFFICKING FACILITATED BY
28 INFORMATION AND COMMUNICATIONS TECHNOLOGY,
29 ESPECIALLY ONLINE SEXUAL EXPLOITATION OF CHILDREN;
30 ENFORCE POLICIES REQUIRING ISPs TO UPDATE THEIR
31 INTERNET PROTOCOL VERSION FOR THE DETECTION AND
32 PREVENTION OF TECHNOLOGY-ASSISTED HUMAN TRAFFICKING;
33 AND ASSIST LAW ENFORCEMENT AND PROSECUTION AGENCIES
34 IN THE INVESTIGATION OF TRAFFICKING IN PERSONS THROUGH
35 THE USE OF TECHNOLOGY AND SOCIAL MEDIA.

1 “(M) DEPARTMENT OF TRANSPORTATION (DOTR) -SHALL
2 DEVELOP A COMPREHENSIVE PROGRAM AND AWARENESS
3 CAMPAIGN TO ASSIST ALL TRANSPORTATION SECTORS,
4 INCLUDING TRANSPORT NETWORK VEHICLE SERVICES (TNVS),
5 AND TRANSPORTATION PERSONNEL, SUCH AS AIRLINE FLIGHT
6 ATTENDANTS, AIRPORT AGENTS, TAXI AND BUS DRIVERS, TNVS
7 DRIVERS, TRUCKERS, TRAIN AND DELIVERY DRIVERS, AND
8 PASSENGER BOAT CREW IN IDENTIFYING VICTIMS OF
9 TRAFFICKING IN PERSONS AND REPORTING INCIDENTS OF
10 TRAFFICKING IN PERSONS.

11 “(N) DEPARTMENT OF TOURISM (DOT) – IN COORDINATION
12 WITH THE IACAT AND OTHER RELEVANT GOVERNMENT
13 AGENCIES, SHALL FORMULATE AND IMPLEMENT PREVENTIVE
14 MEASURES AGAINST SEX TOURISM PACKAGES AND THE USE OF
15 TOURISM ENTERPRISES AS SITUS OF HUMAN TRAFFICKING;
16 DEVELOP A COMPREHENSIVE PROGRAM, INCLUDING POLICIES
17 AND GUIDELINES, TO ADDRESS AND PREVENT TRAFFICKING IN
18 PERSONS IN THE TRAVEL AND TOURISM INDUSTRY AND IN
19 PLACES OF AMUSEMENT.

20 IT SHALL ALSO ENSURE THAT RELEVANT NATIONAL AND LOCAL
21 LABOR STANDARDS AND PRACTICES ARE BEING FOLLOWED AND
22 ADOPTED WITHIN THE TRAVEL AND TOURISM INDUSTRY AND IN
23 PLACES OF AMUSEMENT.

24 “(O) DEPARTMENT OF EDUCATION (DEPED) – SHALL PROVIDE
25 MEASURES TO PREVENT TRAFFICKING IN PERSONS IN
26 EDUCATIONAL INSTITUTIONS, SUCH AS THE CONDUCT OF
27 INFORMATION CAMPAIGNS AND THE ESTABLISHMENT OF
28 REPORTING MECHANISMS IN THE SCHOOL SYSTEM CONSISTENT
29 WITH ITS CHILD PROTECTION AND GENDER AND DEVELOPMENT
30 PROGRAMS. THE DEPED SHALL ALSO DEVELOP A TEACHER
31 TRAINING MANUAL AND MODULES/CURRICULUM FOR STUDENTS
32 AIMED AT AWARENESS-RAISING AND THE PREVENTION OF
33 CASES OF TRAFFICKING IN PERSONS.

34 IN COORDINATION WITH THE IACAT, THE COMMISSION ON
35 HIGHER EDUCATION (CHED), THE TECHNICAL EDUCATION AND
36 SKILLS DEVELOPMENT AUTHORITY (TESDA), AND CIVIL SOCIETY

ACTORS, THE DEPED SHALL IMPLEMENT A SCHOOL-BASED
TRAFFICKING PREVENTIVE EDUCATION PROGRAM TO
ACCOMPLISH THE FOLLOWING OBJECTIVES:

- (1) EDUCATE CHILDREN AND YOUTH ABOUT FUNDAMENTAL RIGHTS
CONCERNING LABOR AND EMPLOYMENT, LIBERTY, AND HUMAN
SECURITY, AS WELL AS OTHER ESSENTIAL RIGHTS;
- (2) ORIENT CHILDREN AND YOUTH ABOUT THE DANGERS OF
INTERNATIONAL AND DOMESTIC TRAFFICKING IN ITS VARIOUS
FORMS, INCLUDING, BUT NOT LIMITED TO, ILLEGAL
RECRUITMENT, UNFAIR LABOR PRACTICES, INVOLUNTARY
SERVITUDE, SEXUAL EXPLOITATION AND PROSTITUTION, AND
CHILD LABOR;
- (3) PROVIDE CHILDREN AND YOUTH WITH INFORMATION ON
SERVICES PROVIDED BY THE GOVERNMENT AGENCIES AND
NON-GOVERNMENTAL ORGANIZATIONS TO AID AND PROTECT
VICTIMS OF TRAFFICKING IN PERSONS;
- (4) IDENTIFY CHILDREN AND YOUTH WHO HAVE BEEN OR ARE
CURRENTLY VICTIMS OF HUMAN TRAFFICKING AND REFER
THEM TO THE PROPER AGENCY OR ORGANIZATION FOR
PROTECTION AND REHABILITATION; AND
- (5) ESTABLISH A SAFE AND PROACTIVE TRAFFICKING REPORTING
MECHANISM THAT ALLOWS MEMBERS OF THE SCHOOL
COMMUNITY TO REPORT SUSPECTED OR CONFIRMED CASES OF
HUMAN TRAFFICKING WITHIN THE SCHOOL.

THE SCHOOL-BASED PROGRAM SHALL COVER ALL STUDENTS
ENROLLED IN JUNIOR HIGH SCHOOLS, SENIOR HIGH SCHOOLS,
COLLEGES AND UNIVERSITIES, AND TECHNICAL OR VOCATIONAL
EDUCATION PROGRAMS.

“(P) DEPARTMENT OF AGRICULTURE (DA) AND BUREAU OF
FISHERIES AND AQUATIC RESOURCES (BFAR) – SHALL INSTITUTE
A SYSTEMATIC INFORMATION AND PREVENTION CAMPAIGN IN
COORDINATION WITH PERTINENT AGENCIES OF GOVERNMENT
AS PROVIDED FOR IN THIS ACT. IT SHALL PROVIDE CAPACITY
BUILDING PROGRAMS TO ITS REGIONAL, CITY, AND MUNICIPAL
UNITS, IN COORDINATION WITH THE IACAT AND OTHER
CONCERNED AGENCIES, IN ENSURING WIDE UNDERSTANDING

1 AND APPLICATION OF THIS ACT TO THE AGRICULTURE AND
2 FISHERIES SECTOR AT THE LOCAL LEVEL. THEY SHALL
3 ENCOURAGE AND SUPPORT ANTI-TRAFFICKING INITIATIVES
4 FROM THE NATIONAL TO THE LOCAL LEVELS. THEY SHALL ALSO
5 ESTABLISH A SYSTEM TO RECEIVE COMPLAINTS AND CALLS TO
6 ASSIST TRAFFICKED PERSONS AND FACILITATE REFERRAL TO
7 THE APPROPRIATE AGENCY.

8 "(Q) PHILIPPINE COAST GUARD (PCG) – CONSISTENT WITH ITS
9 MANDATE TO PERFORM MARITIME SEARCH AND RESCUE,
10 MARITIME LAW ENFORCEMENT, MARITIME SAFETY, AND
11 MARITIME SECURITY, IT SHALL UNDERTAKE REGULAR
12 INSPECTIONS, SURVEILLANCE, INVESTIGATION AND ARREST OF
13 INDIVIDUALS OR PERSONS SUSPECTED TO BE ENGAGED IN
14 TRAFFICKING AT SEA. THEY SHALL CLOSELY COORDINATE WITH
15 OTHER LAW ENFORCEMENT AGENCIES TO SECURE CONCERTED
16 EFFORTS FOR EFFECTIVE INVESTIGATION AND APPREHENSION
17 OF SUSPECTED TRAFFICKERS. THEY SHALL ALSO ESTABLISH A
18 SYSTEM TO RECEIVE COMPLAINTS AND CALLS TO ASSIST
19 TRAFFICKED PERSONS AND CONDUCT RESCUE OPERATIONS. IT
20 SHALL PROVIDE CAPACITY BUILDING PROGRAMS TO ITS
21 REGIONAL, CITY, AND MUNICIPAL UNITS, IN COORDINATION
22 WITH OTHER CONCERNED AGENCIES, IN ENSURING WIDE
23 UNDERSTANDING AND APPLICATION OF THIS ACT AT THE LOCAL
24 LEVEL. THEY SHALL ENCOURAGE AND SUPPORT ANTI-
25 TRAFFICKING INITIATIVES FROM THE NATIONAL TO THE LOCAL
26 LEVELS.

27 "(r) Local government units (LGUs) – shall monitor and document cases of
28 trafficking in persons in their areas of jurisdiction, PROVIDE A SYSTEM
29 OF REPORTING HUMAN TRAFFICKING CASES; PROVIDE BASIC
30 SERVICES FOR THE PREVENTION, RESCUE, RECOVERY,
31 REHABILITATION, AND REINTEGRATION AND AFTER-CARE
32 SUPPORT TO VICTIMS OF TRAFFICKING AND THEIR FAMILIES;
33 AND ESTABLISH A SEPARATE AND SPECIALIZED CENTRE FOR
34 TRAFFICKED VICTIMS.
35 LGUS SHALL ALSO ENACT ORDINANCES OR ISSUANCES AIMED AT
36 PROVIDING PROTECTION AND SUPPORT TO TRAFFICKED

PERSONS AND THEIR FAMILIES; PRESCRIBE COMPLIANCE WITH THIS ACT AS REQUISITE FOR THE ISSUANCE AND RENEWAL OF LICENSES AND PERMITS TO ESTABLISHMENTS WITHIN ITS JURISDICTION, WHICH MAY INCLUDE INTERNET SERVICE PROVIDERS, INTERNET CONTENT HOSTS, INTERNET CAFES AND ESTABLISHMENTS OFFERING WIFI SERVICES, TOURISM ENTERPRISES AND MALLS, TRANSPORTATION SERVICES, FINANCIAL INTERMEDIARIES, AND TO EFFECT CANCELLATION OF LICENCES FOR VIOLATIONS. IT SHALL ALSO STRENGTHEN, ACTIVATE AND MOBILIZE EXISTING COMMITTEES AND COUNCILS AGAINST TRAFFICKING IN PERSON AT EVERY LGU LEVEL.

LGUS SHALL ALSO UNDERTAKE INFORMATION CAMPAIGN AGAINST TRAFFICKING IN PERSONS, INCLUDING BUT NOT LIMITED TO THE CONDUCT, ORIENTATION, AND SEMINARS, AND THE ESTABLISHMENT OF THE MIGRANTS ADVISORY AND INFORMATION NETWORK (MAIN) DESKS IN MUNICIPALITIES OR PROVINCES IN COORDINATION WITH DILG, PIA, CFO, NGOS AND OTHER CONCERNED AGENCIES AND SHALL ENCOURAGE AND SUPPORT COMMUNITY-BASED INITIATIVES WHICH ADDRESS TRAFFICKING IN PERSONS STARTING AT THE BARANGAY LEVEL, THROUGH A HUMAN TRAFFICKING PREVENTIVE EDUCATION PROGRAM THAT AIMS TO EDUCATE AND ORIENT THE PUBLIC AGAINST HUMAN TRAFFICKING AND THE SERVICES THAT MAY BE AVAILED OF FOR VICTIMS AND SURVIVORS.

(S) NATIONAL COUNCIL ON DISABILITY AFFAIRS – IN COORDINATION WITH THE IACAT, SHALL DEVELOP A PROGRAM FOR THE PREVENTION OF TRAFFICKING OF PERSONS WITH DISABILITIES AND FOR THE ASSISTANCE OF PWDs WHO ARE VICTIMS OF TRAFFICKING;

(T) NATIONAL COMMISSION ON INDIGENOUS PEOPLES – IN COORDINATION WITH THE IACAT, SHALL DEVELOP A PROGRAM FOR THE PREVENTION OF TRAFFICKING IN IN INDIGENOUS PERSONS AND IN INDIGENOUS CULTURAL COMMUNITIES;

(U) OFFICE OF CIVIL DEFENSE - NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT COUNCIL – IN COORDINATION WITH IACAT, THE OCD-NDRRMC SHALL DEVELOP GUIDELINES

1 FOR THE PREVENTION OF TRAFFICKING IN PERSONS IN
2 EMERGENCY, DISASTER, PANDEMIC AND CRISIS SITUATIONS, AS
3 WELL AS MANDATE THE LOCAL DISASTER RISK REDUCTION
4 MANAGEMENT OFFICE (LDRRMO) AND COUNCIL (LDRRMC) TO
5 DEVELOP PROGRAMS TO PREVENT AND PROTECT THE SURVIVORS
6 OF DISASTER OR CONFLICT FROM TRAFFICKING IN PERSONS.

7 (V) PHILIPPINE AMUSEMENT AND GAMING CORPORATION – IN
8 COORDINATION WITH IACAT AND THE DOLE, SHALL DEVELOP
9 GUIDELINES TO MONITOR PHILIPPINE OFF-SHORE GAMING
10 OPERATOR (POGO) OUTFITS TO ENSURE COMPLIANCE WITH THE
11 PROVISIONS OF THIS ACT. IT SHALL ALSO MONITOR GAMING
12 AND AMUSEMENT VENUES TO PREVENT SEX TRAFFICKING AND
13 PROSECUTE VIOLATORS

14 (W) PHILIPPINE CENTER ON TRANSNATIONAL CRIME — SHALL
15 UNDERTAKE STRATEGIC RESEARCH ON THE STRUCTURE AND
16 DYNAMICS OF TRAFFICKING IN PERSONS WITH TRANSNATIONAL
17 CRIME DIMENSION, PREDICT TRENDS AND ANALYZE GIVEN
18 FACTORS FOR THE FORMULATION OF INDIVIDUAL AND
19 COLLECTIVE STRATEGIES FOR THE PREVENTION AND DETECTION
20 OF TRAFFICKING IN PERSONS AND THE APPREHENSION OF
21 CRIMINAL ELEMENTS INVOLVED; STRENGTHEN INFORMATION
22 EXCHANGE ON TRAFFICKING IN PERSONS WITH GOVERNMENT
23 AGENCIES, FOREIGN COUNTERPARTS AND INTERNATIONAL
24 ORGANIZATIONS.; SERVE AS THE FOCAL POINT IN
25 INTERNATIONAL ENFORCEMENT COORDINATION ON
26 TRAFFICKING IN PERSONS PARTICULARLY WITH THE INTERPOL
27 AND COOPERATION WITH REGIONAL AND INTERNATIONAL
28 FOREIGN COUNTERPARTS; AND, PROMOTE FORMULATION AND
29 DEVELOPMENT OF TRAINING COURSES IN RELATION TO
30 COMBATING TRAFFICKING IN PERSONS;

31 (X) COUNCIL FOR THE WELFARE OF CHILDREN (CWC) - SHALL
32 INTEGRATE IN ITS DEVELOPMENT AND STRATEGIC FRAMEWORKS
33 ISSUES AND CONCERNS AFFECTING TRAFFICKING IN CHILDREN
34 AND ENSURE THE ADOPTION OF SUCH FRAMEWORKS BY THE
35 LGUS AND OTHER STAKEHOLDERS; VIGOROUSLY ADVOCATE
36 AGAINST TRAFFICKING OF CHILDREN; IMPROVE DATA ON

**TRAFFICKING IN CHILDREN THROUGH INTEGRATION OF
CRITICAL AND RELEVANT INDICATORS INTO THE MONITORING
SYSTEM FOR CHILDREN; ADOPT POLICIES AND MEASURES THAT
WILL PROTECT AND PROMOTE THE RIGHTS AND WELFARE OF
CHILDREN VICTIMS OF TRAFFICKING AND COORDINATE AND
MONITOR THEIR IMPLEMENTATION; AND, ADDRESS ISSUES ON
TRAFFICKING OF CHILDREN THROUGH POLICY AND PROGRAM
INTERVENTIONS.**

Sec. 10. Section 19 is amended as follows:

"Section 19. *Trafficked Persons Who are Foreign Nationals.* – Subject to the guidelines issued by the Council, trafficked persons in the Philippines who are nationals of a foreign country shall also be entitled to appropriate protection, assistance and services available to trafficked persons under this Act, **INCLUDING THE PROVISION OF INTERPRETERS, AND COORDINATION WITH THEIR RESPECTIVE EMBASSIES;** *Provided* That they shall be permitted continued presence in the Philippines for a length of time prescribed by the Department of Justice as necessary to effect the prosecution of offenders.

Sec. 11. Section 20 of Republic Act No. 9208 is hereby amended to read as follows:

"SECTION 20. INTER-AGENCY COUNCIL AGAINST TRAFFICKING. – There is hereby established an inter-agency council against trafficking, to be composed of the Secretary of the Department of Justice as Chairperson and the Secretary of the Department of Social Welfare and Development as co-chairperson and shall have the following as members:

"(a) Secretary, Department of Foreign Affairs;

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

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

"(D) SECRETARY, DEPARTMENT OF HEALTH

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

"(F) SECRETARY, DEPARTMENT OF TRANSPORTATION;

"(G) SECRETARY, DEPARTMENT OF TOURISM;

"(H) SECRETARY, DEPARTMENT OF EDUCATION;

"(I) Administrator, Philippine Overseas Employment Administration;

"(J) ADMINISTRATOR, OVERSEAS WORKERS WELFARE ADMINISTRATOR;

1 "(K) Commissioner, Bureau of Immigration;

2 "**(L) COMMANDANT, PHILIPPINE COAST GUARD;**

3 "(M) Chief, Philippine National Police;

4 "(N) Chairperson, Philippine Commission on Women;

5 "(O) Chairperson, Commission on Filipinos Overseas;

6 "(P) Executive Director, Philippine Center for Transnational Crimes;

7 "**(Q) EXECUTIVE DIRECTOR, COUNCIL FOR THE WELFARE OF**
8 **CHILDREN;**

9 "**(R) DIRECTOR, NATIONAL BUREAU OF INVESTIGATION;**

10 AND

11 "(S) Three (3) representatives from NGOs, who shall include one (1)
12 representative each from among the sectors representing women,
13 overseas Filipinos, and children, with a proven record of involvement
14 in the prevention and suppression of trafficking in persons. These
15 representatives shall be nominated by the government agency
16 representatives of the Council, for appointment by the President for
17 a term of three (3) years.

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

23 Sec. 12. Section 21 of Republic Act No. 9208 is hereby amended to read as follows:

24 "**SECTION 21. *Functions of the Council.*** - The Council shall have the
25 following powers and functions:

26 "(a) Formulate a comprehensive and integrated program to prevent and
27 suppress the trafficking in persons, **INCLUDING THE DEVELOPMENT OF**
28 **SCHOOL-BASED AND COMMUNITY-BASED HUMAN TRAFFICKING**
29 **PREVENTIVE EDUCATION PROGRAMS;**

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

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

33 "(d) Coordinate the programs and projects of the various member agencies
34 to effectively address the issues and problems attendant to trafficking in
35 persons;

- 1 "(e) Coordinate the conduct of massive information dissemination and
2 campaign on the existence of the law and the various issues and problems
3 attendant to trafficking through the LGUs, concerned agencies, and NGOs;
- 4 (f) Direct other agencies to immediately respond to the problems brought
5 to their attention and report to the Council on action taken;
- 6 (g) Assist in filing of cases against individuals, agencies, institutions or
7 establishments that violate the provisions of this Act;
- 8 (h) Formulate a program for the reintegration of trafficked persons in
9 cooperation with DOLE, DSWD, Technical Education and Skills Development
10 Authority (TESDA), Commission on Higher Education (CHED), LGUs and
11 NGOs;
- 12 (i) Secure from any department, bureau, office, agency, or instrumentality
13 of the government or from NGOs and other civic organizations such
14 assistance as may be needed to effectively implement this Act;
- 15 (j) Complement the shared government information system for migration
16 established under Republic Act No. 8042, otherwise known as the "Migrant
17 Workers and Overseas Filipinos Act of 1995" with data on cases of
18 trafficking in persons, and ensure that the proper agencies conduct a
19 continuing research and study on the patterns and scheme of trafficking in
20 persons which shall form the basis for policy formulation and program
21 direction;
- 22 (k) Develop the mechanism to ensure the timely, coordinated, and effective
23 response to cases of trafficking in persons;
- 24 (l) Recommend measures to enhance cooperative efforts and mutual
25 assistance among foreign countries through bilateral and/or multilateral
26 arrangements to prevent and suppress international trafficking in persons;
- 27 **(M) COORDINATE WITH THE DEPARTMENT OF INFORMATION**
28 **AND TRANSPORTATION AND COMMUNICATIONS TECHNOLOGY**
29 **(DOTG DICT), DEPARTMENT OF TRADE AND INDUSTRY (DTI). IN**
30 **MONITORING THE PROMOTION OF ADVERTISEMENT OF**
31 **TRAFFICKING IN THE INTERNET;**
- 32 (n) Adopt measures and policies to protect the rights and needs of trafficked
33 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 to
4 attain the purposes and objectives of this Act.

5 Sec. 13. Section 24 of Republic Act No. 9208 is hereby amended to read as follows:

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

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

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

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

19 **(D) RECOVERY AND REINTEGRATION PROGRAM FOR TRAFFICKED**
20 **PERSONS (RRPTP). - THE DSWD SHALL IMPLEMENT A RECOVERY**
21 **AND REINTEGRATION PROGRAM FOR TRAFFICKED PERSONS,**
22 **WHICH INCLUDES A COMPREHENSIVE PACKAGE OF SERVICES**
23 **FOR INDIVIDUAL VICTIM-SURVIVORS OF TRAFFICKING IN**
24 **PERSONS, FOR THE IMMEDIATE FAMILY, AND FOR THE**
25 **COMMUNITY AT LARGE. THE RRPTP MUST INCLUDE THE**
26 **FOLLOWING MAJOR PROGRAM COMPONENTS:**

27 **(1) CAPABILITY ENHANCEMENT FOR SERVICE PROVIDERS;**

28 **(2) DIRECT SERVICES TO TRAFFICKED PERSONS, WHICH**
29 **SHALL COVER COSTS FOR AUXILIARY SERVICES TO**
30 **VICTIMS/WITNESSES, WHICH INCLUDES**
31 **TRANSPORTATION, BOARD AND LODGING,**
32 **DOCUMENTATION AND OTHER INCIDENTAL EXPENSES;**

33 **(3) UPGRADE OF TEMPORARY SHELTERS;**

34 **(4) IMPLEMENTATION OF THE NATIONAL REFERRAL SYSTEM**
35 **AND UPDATING AND MAINTENANCE OF THE NATIONAL**
36 **RECOVERY AND REINTEGRATION DATABASE; AND**

1 **(5) ADVOCACY.**

2 Sec. 14. Section 32, or the Repealing Clause, is hereby amended to read as follows:

3 **"SECTION 32. Repealing Clause. – ARTICLE 202 OF THE REVISED**
4 **PENAL CODE, AS AMENDED BY REPUBLIC ACT NO. 10158, IS**
5 **DEEMED REPEALED. LIKEWISE, SECTION 4 (C) (1) OF REPUBLIC**
6 **ACT NO. 10175 IS DEEMED REPEALED.** All laws, acts, presidential
7 decrees, executive orders, administrative orders, rules and regulations
8 inconsistent with or contrary to the provisions of this Act are deemed
9 amended, modified, or repealed accordingly, provided that this Act shall not
10 in any way amend or repeal the provisions of Republic Act No. 7610,
11 otherwise known as the 'Special Protection of Children Against Child Abuse,
12 Exploitation and Discrimination Act'."

13 Sec. 15. *Effectivity.* – This Act shall take effect fifteen (15) days after publication
14 in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,