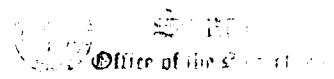
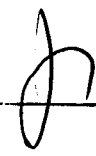


**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)**



23 NOV -6 P 6 :27

SENATE
S.B. No. 2471

RECEIVED BY 

INTRODUCED BY SENATOR RISA HONTIVEROS

AN ACT
STRENGTHENING PROTECTIONS AGAINST TRAFFICKING IN PERSONS, AMENDING FOR THIS PURPOSE 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/OR CHILDREN, PROVIDING PENALTIES FOR ITS VIOLATIONS AND FOR OTHER PURPOSES"

EXPLANATORY NOTE

Republic Act No. 10364 or the Expanded Anti Trafficking in Persons Act was enacted into law only 2022. Despite its fairly recent passage, rapid and alarming developments in trafficking in persons demand immediate updates to the Philippines' anti trafficking law.

This bill seeks to introduce the following important reforms:

Firstly, it expands the definition of human trafficking to include the act of *forcing the commission of illegal or fraudulent activities*. This captures the phenomenon of "scam hubs" – large compounds that operate technology-facilitated fraudulent activities using human trafficking victims from developing countries -- and the specific challenge of identifying TIP victims, recognizing their victimization and need for redress, and distinguishing them from scammers/ fraud operators.

Secondly, it imposes a penalty on the specific act of allowing the use of one's license, permit or franchise for the commission of TIP activities, a modus that surfaced during the senate investigations on the scam hubs where it became apparent that these illegal operations were taking advantage of the regulatory cover provided by licensed and registered online gambling facilities

Secondly, it introduces the crime of "human smuggling", which is the consensual facilitation of the entry or continued presence of a person without lawful status or documentation in a country where he or she is not a citizen or a resident. Human smuggling networks are usually large, cross-border criminal syndicates offering, for

large amounts of money, dangerous and illegal exit and entry routes to individuals who do not have the options to migrate legally.

Finally, the bill introduces the Child Advocacy Center (CAC) model which provides for a formal, comprehensive, integrated and multidisciplinary response to the investigation and disposition of cases involving child trafficking, with a view to reducing the number of times children are questioned and examined in courts or through legal processes, and coordinating therapeutic interventions and services for child victims.

The immediate passage of this bill is respectfully sought.


RISA HONTIVEROS

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

Office of the Secretary

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PURPOSES

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

1 Section 1. *Short title.* This Act shall be known as the "Expanded Anti-Trafficking
2 Act of 2023.

3 Sec. 2. Section 3 of Republic Act No. 9208 as amended, is hereby further
4 amended to read as follows:

5 "SEC. 3. *Definition of Terms.* – As used in this Act:

6 xxx

7 (I) **FORCED COMMISSION OF ILLEGAL ACTIVITIES – FORCING OR**
8 **COMPELLING ANY PERSON TO COMMIT ILLEGAL OR FRAUDULENT**
9 **ACTIVITIES FOR ECONOMIC OR MATERIAL GAIN, THROUGH, AMONG**
10 **OTHERS, RESTRICTING PHYSICAL MOVEMENT, WITHHOLDING OF**
11 **PASSPORTS, PHYSICAL OR ECONOMIC PUNISHMENT, OR**
12 **ANALOGOUS ACTS;**

13

14 Section 4 of Republic Act No. 9208 as amended, is hereby further amended to
15 read as follows:

1 "SEC. 4. *Acts of Trafficking in Persons.* – It shall be unlawful for any person,
2 natural or juridical, to commit by means of a threat, or use of force, or other
3 forms of coercion, or through abduction, fraud, deception, abuse of power or
4 of position, or through taking advantage of the vulnerability of the person, or
5 by giving or receiving of payment or benefit to obtain the consent of a person
6 having control over another person, **WHETHER THROUGH ONLINE OR**
7 **OFFLINE MODES OR A COMBINATION OF BOTH,** any of the following
8 acts:

9 (a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor,
10 or receive a person by any means, including those done under the pretext
11 of domestic or overseas employment or training or apprenticeship, for the
12 purpose of prostitution, pornography, sexual abuse or exploitation,
13 production, creation or distribution of CSAEM or CSAM, forced labor, slavery,
14 involuntary servitude, or debt bondage, **OR FORCED COMMISSION OF**
15 **ILLEGAL OR FRAUDULENT ACTIVITIES;**

16
17 Sec. 3. Section 5 of Republic Act No. 9208 is hereby amended to read as follows:

18 "SECTION 5. Acts that Promote Trafficking in Persons. – The following acts
19 which promote or facilitate trafficking in persons shall be unlawful:

20 xxx

21 (A) To knowingly lease or sublease, use or allow to be used any house,
22 building or establishment; or any vehicles or carriers by land, sea and
23 air; and any of their online or digital platforms and applications, for the
24 purpose of promoting trafficking in persons; **PROVIDED, THAT IF THE**
25 **VEHICLE IS OPERATING BY WAY OF A FRANCHISE, THE**
26 **FRANCHISE SHALL BE CANCELLED;**

27
28 (B) **(B) TO ALLOW THE USE OF THEIR LEGALLY-OBTAINED**
29 **REGULATORY LICENSE, PERMIT, OR FRANCHISE FOR THE**
30 **COMMISSION OF ACTS OF TRAFFICKING; PROVIDED THAT,**
31 **WHEN THE LICENSE OR PERMIT HOLDER IS A JURIDICAL**
32 **PERSON, THE PENALTY SHALL BE IMPOSED UPON THE OWNER,**

1 **PRESIDENT, PARTNER, MANAGER OR ANY RESPONSIBLE**
2 **OFFICER, OR ANY TWO (2) OR MORE OF THEM;**

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4
5 Sec. 4. A new Section shall be introduced as follows:

6 **"SEC. X. HUMAN SMUGGLING. THE CRIME OF HUMAN SMUGGLING IS**
7 **COMMITTED THROUGH THE FOLLOWING ACTS:**

8 (a) **SECURING OR AIDING THE ENTRY OF A PERSON INTO A**
9 **COUNTRY OF WHICH HE/SHE IS NOT A CITIZEN OR**
10 **PERMANENT RESIDENT, OR WITHOUT THE APPROPRIATE**
11 **VISAS OR LEGAL DOCUMENTS, FOR FINANCIAL OR OTHER**
12 **MATERIAL BENEFIT;**

13 (b) **FACILITATING, BY ANY UNLAWFUL MEANS, THE CONTINUED**
14 **PRESENCE OF A SMUGGLED PERSON IN A RECEIVING**
15 **COUNTRY IN ORDER TO OBTAIN FINANCIAL OR OTHER**
16 **MATERIAL BENEFIT, INCLUDING HARBORING A SMUGGLED**
17 **PERSON, PROVIDING SPURIOUS DOCUMENTS, OR**
18 **ARRANGING THEIR DOMESTIC TRANSPORT OR ANY MEANS TO**
19 **PREVENT SCRUTINY, DETECTION OR DEPORTATION;**

20
21 **VIOLATIONS UNDER THIS SECTION SHALL BE SUBJECT TO THE SAME**
22 **PENALTIES AS SECTION 5 OF THIS ACT, PROVIDED, THAT WHEN IT**
23 **IS PROVEN THAT THE PERSON(S) SMUGGLED INTO THE PHILIPPINES**
24 **DID NOT CONSENT TO THE ENTRY, OR SUFFERED PHYSICAL ABUSE**
25 **OR INHUMAN OR DEGRADING TREATMENT EVEN IF HE OR SHE**
26 **CONSENTED, THE ACT SHALL BE CONSIDERED TRAFFICKING IN**
27 **PERSONS AND SHALL BE PENALIZED UNDER SECTION 4 OF THIS ACT.**

28
29 **CRIMINAL LIABILITY SHALL NOT BE EXTINGUISHED BY ANY FUTURE**
30 **OFFICIAL ACTION WHICH MAY BE TAKEN WITH RESPECT TO THE**
31 **SMUGGLED PERSON AND OR THEIR LEGAL STATUS; PROVIDED THAT,**
32 **WHEN THE SMUGGLED PERSON IS LATER DETERMINED TO BE A**

1 **REFUGEE AND/OR HAS BEEN GRANTED ASYLUM BY THE RECEIVING**
2 **GOVERNMENT DUE TO CONFLICT, GENERALIZED VIOLENCE OR A**
3 **WELL-FOUNDED FEAR OF PERSECUTION IN THE COUNTRY OF**
4 **ORIGIN, THIS FACT MAY BE INTRODUCED AS A DEFENSE BY THE**
5 **ACCUSED.**

6
7 Sec. 5. A new section shall be introduced as follows:

8 **"SEC. X. IN ADDITION TO THEIR OBLIGATIONS UNDER SECTION 16**
9 **OF THIS ACT, LOCAL GOVERNMENT UNITS AT THE PROVINCIAL AND**
10 **CITY LEVEL SHALL, THROUGH THEIR LOCAL SOCIAL WELFARE**
11 **DEVELOPMENT OFFICES, ESTABLISH CHILD ADVOCACY CENTERS**
12 **(CACs) TO PROVIDE A FORMAL, COMPREHENSIVE, INTEGRATED AND**
13 **MULTIDISCIPLINARY RESPONSE TO THE INVESTIGATION AND**
14 **DISPOSITION OF CASES INVOLVING CHILD TRAFFICKING, WITH A**
15 **VIEW TO REDUCING THE NUMBER OF TIMES CHILDREN ARE**
16 **QUESTIONED AND EXAMINED IN COURTS OR THROUGH LEGAL**
17 **PROCESSES, AND COORDINATING THERAPEUTIC INTERVENTIONS**
18 **AND SERVICES FOR CHILD VICTIMS.**

19
20 **THE CAC SHALL PROVIDE THE FOLLOWING, AT MINIMUM:**

- 21 **A. A MULTI DISCIPLINARY TEAM TO PROVIDE A PORTFOLIO**
22 **OF SERVICES TO CHILD VICTIMS, INCLUDING LEGAL CASE**
23 **SUPPORT, MENTAL HEALTH AND PSYCHO-SOCIAL**
24 **SUPPORT, PROTECTION AND CUSTODY WHERE RELEVANT;**
25 **B. A VICTIM ADVOCATE THAT WILL SERVE AS THE PRIMARY**
26 **CONTACT AND LIAISON BETWEEN THE CHILD-VICTIM AND**
27 **GOVERNMENT AGENCIES, THE PROSECUTOR'S OFFICE AND**
28 **THE COURTS;**
29 **C. FORENSIC INTERVIEWS IN A CHILD-CENTERED, TRAUMA-**
30 **INFORMED SETTING WITH THE CHILD AND NON-**
31 **OFFENDING FAMILY MEMBERS.**

1 **WHEN THE OFFENSE INVOLVES ONLINE SEXUAL ABUSE AND**
2 **EXPLOITATION OF CHILDREN (OSAEC), OR THE PRODUCTION AND**
3 **DISTRIBUTION OF CHILD SEXUAL ABUSE AND EXPLOITATION**
4 **MATERIALS (CSAEM), THE ESTABLISHMENT OF THE CACs SHALL BE**
5 **IN COORDINATION WITH THE NATIONAL COORDINATING CENTER**
6 **AGAINST OSAEC (NCC-OSAEC).**

7
8 **THE CACs SHALL PROVIDE ASSISTANCE TO ALL INDIVIDUALS WHO**
9 **WERE MINORS AT THE TIME OF COMMISSION OF THE CRIME**
10 **AGAINST THEM, INCLUDING THOSE WHO HAVE AGED OUT, IN**
11 **ACCORDANCE WITH EXISTING LAWS AND SUPREME COURT**
12 **CIRCULARS.**

13
14 **THE ESTABLISHMENT OF THE CACs MAY BE FUNDED THROUGH**
15 **GRANTS AND DONATIONS FROM FOREIGN AND LOCAL SOURCES,**
16 **AND MAY ALSO BE SOURCED FROM THE GENDER AND DEVELOPMENT**
17 **(GAD) BUDGET IF THE CHILD VICTIM IS A GIRL.**

18
19 Sec. 6. Section 24 of Republic Act No. 9208 is hereby amended to read as
20 follows:

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

22 (a) Legal Assistance. - Trafficked persons **FILIPINOS OVERSEAS** shall
23 be considered under the category "Overseas Filipino in Distress" and
24 may avail of the legal assistance created by Republic Act No. 8042,
25 subject to the guidelines as provided by law.

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

30 (c) The Country Team Approach. - The country team approach under
31 Executive Order No. 74 of 1993, shall be the operational scheme under
32 which Philippine embassies abroad shall provide protection to trafficked

1 persons insofar as the promotion of their welfare, dignity and
2 fundamental rights are concerned.

3 **(D) FOR TRAFFICKED FOREIGNERS IN THE PHILIPPINES, THE**
4 **DSWD SHALL PROVIDE THE APPROPRIATE SERVICES IN**
5 **ACCORDANCE WITH PHILIPPINE OBLIGATIONS UNDER**
6 **INTERNATIONAL LAW, SUCH AS THE ASEAN CONVENTION**
7 **AGAINST TRAFFICKING IN PERSONS (ACTIP). WHERE AN**
8 **INTERPRETER IS NECESSARY, INTERPRETATION SERVICES**
9 **SHALL BE PROVIDED BY THE DSWD, IN COORDINATION WITH**
10 **THE EMBASSIES OF THE TIP VICTIM-SURVIVOR.**

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12
13 Sec. 6. *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,