

FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

7 15 11

7 15 11

SENATE

RECEIVED

PSR No. 207

---

Introduced by Senator Loren Legarda

---

**A RESOLUTION**

**DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE IMPLEMENTATION OF THE ANTI-TRAFFICKING IN PERSONS ACT OF 2003, ALSO KNOWN AS REPUBLIC ACT NO. 9208, DUE TO THE ESCALATING PREVALENCE OF TRAFFICKING IN PERSONS FROM THE PHILIPPINES**

*Whereas*, according to the US State Department's Trafficking in Persons Report for 2004, next only to the trafficking of drugs and guns, trafficking in persons is considered the world's third most profitable organized crime;

*Whereas*, in a more updated Report in 2006, the US State Department found out that of the estimated 600,000 to 800,000 men, women, and children trafficked across international borders each year, approximately 80 percent are women and girls, and up to 50 percent are minors. The data also demonstrated that the majority of transnational victims were trafficked into commercial sexual exploitation;

*Whereas*, in the year 2000, the United Nations adopted the *Convention against Transnational Organized Crime*, also called the Palermo Convention and two Palermo protocols there to, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and Protocol against the Smuggling of Migrants by Land, Sea and Air;

*Whereas*, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children requires ratifying States to prevent and combat trafficking in persons, protect and assist victims of trafficking and promote cooperation among States in order to meet those objectives. The Protocol obligates the Parties to prevent and combat trafficking in persons, paying particular attention to women and children, protect and assist the victims of such trafficking, with full respect for their human rights, and promote cooperation among States Parties in order to meet those objectives. The Philippines ratified the said Protocol on 28 May 2002;

*Whereas*, the Protocol defines *trafficking in persons* as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of

the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;

*Whereas*, on the part of the Philippines, in 2003, Congress enacted Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003 to institute policies that would eliminate trafficking in persons especially women and children, establish the necessary mechanisms for the protection and support of trafficked persons, providing penalties for its violations, and for other purposes;

*Whereas*, the same Act adopted the definition of *trafficking in persons* as contained in the Protocol;

*Whereas*, Section 20 of the same Act establishes the Inter-Agency Council Against Trafficking (IACAT) designated to monitor and oversee the strict implementation of RA 9208, composed of the following agencies: Department of Justice, the National Bureau of Investigation, the Philippine National Police, the Philippine Overseas Employment Administration, Office of the Undersecretary for Migrant Workers Affairs of the Department of Foreign Affairs, and Department of Social Welfare and Development;

*Whereas*, all the member government agencies of the IACAT are mandated to maintain a databank on trafficking in persons to be shared among relevant agencies and complement the central databank to be established by the Council, as stated in paragraph (d), section 16, Article V of the Implementing Rules and Regulations set forth from this Act;

*Whereas*, Executive Order No. 62, series of 1999, created the Philippines Center for Transnational Crime (PCTC) to formulate and implement a concerted program of action for all law enforcement, intelligence and other government agencies for the prevention and control of transnational crimes such as trafficking in women and children. This Center functions through improved coordination, research and data-banking;

*Whereas*, as of 2005, the US State Department's *Human Rights Report* registers that annually, about 400,000 women are trafficked within the Philippines;

*Whereas*, according to the report of Chief State Counsel Ricardo Paras III, Acting Chairman of Council, trafficking cases were reported in the following provinces in the country, namely, Ilocos Norte, Isabela, La Union, Nueva Ecija, Pampanga, Rizal, Bulacan, Batangas, Quezon, Mindoro, Camarines Norte, Camarines Sur, Sorsogon, Aklan, Antique, Northern Samar, Samar, Iloilo, Cebu, Negros Occidental, Southern Leyte, Agusan del Norte, Zamboanga City, North Cotabato, South Cotabato, Davao City and Metro Manila;

*Whereas*, in a 2005 Human Trafficking Primer by the Trade Union Congress of the Philippines (TUCP), the Solidarity Center, and the United States Agency for International Development, the usual destinations for trafficked persons from the Philippines are Brunei, Lebanon, Singapore, Saipan, Hongkong, Bahrain, and Palau, to name a few. In Japan alone, according to the National Police Agency of Japan (*as cited by Newsbreak, September-December 2007 issue*), from 2001 to 2006, there were 97 Filipino victims of human trafficking in Japan. Philippines is 2<sup>nd</sup> highest, next to Thailand's 172;

*Whereas*, the Philippines belongs to Tier 2 of the US State Department's 2007 *Trafficking in Person's Report*, which means that the country does not fully comply with

the minimum requirements of the agency's Trafficking Victims Protection Act but is making significant efforts to do so;

*Whereas*, unlike human smuggling, human trafficking usually involves sexual exploitation. According to a non-governmental organization (NGO) - International Justice Mission (IJM) - 85 out of 88 of their rescued victims are trafficked for prostitution and three account for forced labor;

*Whereas*, Newsbreak edition for September-December 2007 cited the same NGO's report that since RA 9208 was passed, only one out of their 28 filed cases was resolved. Moreover, not only women are victims of human trafficking but apparently, the most salient common denominator of all the victims is poverty;

*Whereas*, according to a study done by the International Organization for Migration entitled, *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*, the Philippines case study reveals that the member agencies of the IACAT did not change their data collection, compilation, storage and reporting mechanisms in response to the passage of RA 9208, thus problems in reliability and integration of data occurred. The same study found out that coordination among agencies falls short;

*Whereas*, implementing agencies raised the difficulty in categorizing cases of human trafficking because of the tendency to interpret the law in different ways;

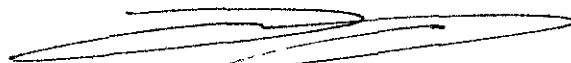
*Whereas*, there is an urgent need to address the increasing number and the prevalence of human trafficking in the Philippines despite the presence of laws and governmental regulations to curb, if not totally eradicate the same;

*Whereas*, there is a necessity to address the mounting concern over internet pornography, cyber sex and the illegal sale of human organ, as new and evolving forms of human trafficking in order to determine whether remedial measures must be introduced to ensure that the law is able to penalize trafficking in its present and future forms;

*Whereas*, as part of its oversight functions, it is incumbent upon Congress to ensure that the law on Anti-Trafficking in Persons is fully implemented and its intents and purposes are duly and strictly carried out;

***NOW THEREFORE BE IT RESOLVED, AS IT IS HEREBY RESOLVED***, to direct the Senate Committees on Justice and Human Rights, Social Justice, Welfare and Rural Development, and Youth, Women and Family Relations to conduct an inquiry, in aid of legislation, into the implementation of the Anti-trafficking in Persons Act of 2003, also known as Republic Act no. 9208, given the escalating prevalence of trafficking in persons in the Philippines.

Adopted,



**LOREN LEGARDA**  
Senator