

SENATE

S. NO. 376

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Republic Act No. 9208 otherwise known as the Anti-Trafficking in Persons Act of 2003 is a landmark piece of legislation, the passage of which was heralded here and abroad.

However, the fight against human trafficking is being unduly hampered by Section 7 of the said law, which needlessly restricts the dissemination of information relating to people accused of trafficking. Said provision likewise appears to unduly impinge on the right of the people to information on matters of public concern and apparently violates the constitutionally mandated right to "freedom of the press".

In the light of the increasing cases of human trafficking brought about by the ongoing global financial crisis, the need to warn would-be-victims increasingly appears to be more compelling than the need to protect the identity of people accused of said crime. In any case, the latter have adequate remedies under existing laws.

This bill aims to amend Section 7 of the law by lifting the confidentiality provision favoring persons accused of human trafficking while maintaining the protection intended for victims of this reprehensible offense. This would enable the Government as well as concerned non-government organizations (NGOs) and the media to disseminate vital information in order to forewarn the public from being victimized by persons and/or syndicates engaged in this nefarious trade.

The immediate passage of this bill is earnestly enjoined.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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AN ACT

AMENDING SECTION 7 OF REPUBLIC ACT NO. 9208 OTHERWISE KNOWN AS THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003" BY REMOVING THE CONFIDENTIALITY PROVISION IN FAVOR OF THE ACCUSED AND FOR OTHER RELATED PURPOSES

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

1 **SEC. 1. Amendment of Section 7 of RA No. 9208.** - Section 7 of Republic Act No. 9208
2 otherwise known as the Anti-Trafficking in Persons Act of 2003 is hereby amended to read as
3 follows:

4 *"SEC. 7. Confidentiality. - At any stage of the investigation, prosecution and*
5 *trial of an offense under this Act, law enforcement officers, prosecutors, judges, court*
6 *personnel and medical practitioners, as well as parties to the case, shall recognize*
7 *the right to privacy of the trafficked person [and the accused]. Towards this end, law*
8 *enforcement officers, prosecutors and judges to whom the complaint has been*
9 *referred may, whenever necessary to ensure a fair and impartial proceeding, and*
10 *after considering all circumstances for the best interest of the parties, order a closed-*
11 *door investigation, prosecution or trial.*

12 *"The name and personal circumstances of the trafficked person [or of the*
13 *accused,] or any other information tending to establish HIS OR HER IDENTITY*
14 *[their identities] and such circumstances or information shall not be disclosed to the*
15 *public.*

16 *"In cases when prosecution or trial is conducted behind closed-doors, it shall*
17 *be unlawful for any editor, publisher, and reporter or columnist in case of printed*
18 *materials, announcer or producer in case of television and radio, producer and*
19 *director of a film in case of the movie industry, or any person utilizing tri-media*
20 *facilities or information technology to cause publicity of THE NAME AND*
21 *PERSONAL CIRCUMSTANCES OF THE TRAFFICKED PERSON OR ANY OTHER*
22 *INFORMATION TENDING TO ESTABLISH HIS OR HER IDENTITY [any case of*

1 *trafficking in persons] EXCEPT WHEN THE TRAFFICKED PERSON EXPRESSLY*
2 *AGREES OR CONSENTS TO SUCH PUBLICITY. "*

3
4 **SEC. 2. *Amendment of the Implementing Rules and Regulations.*** - Within thirty (30)
5 days from the enactment of this Act, the Inter-Agency Council
6 Against Trafficking created pursuant to RA No. 9208 shall convene to introduce
7 and adopt the appropriate amendments to the Implementing Rules and Regulations of the law to
8 reflect the amendments introduced in the immediately preceding section.

9
10 **SEC. 3. *Separability Clause.*** - If any provision, part or portion of this Act shall be held
11 invalid, the validity of the other provisions, parts or portions of the Act shall not be affected
12 thereby.

13
14 **SEC. 4. *Repealing Clause.*** - All laws, executive issuances, orders and rules and
15 regulations contrary to or inconsistent with this Act, or any part thereof, are hereby repealed,
16 amended and/or modified accordingly.

17
18 **SEC. 5. *Effectivity.*** - This Act shall take effect upon its publication in the Official Gazette
19 or in at least two (2) national newspapers of general circulation.

Approved,