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SUMMARY OF SENATE BILL ON SECOND READING

Third Regular Session, Eighteenth Congress

S.B. 2449 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, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS', AND OTHER SPECIAL LAWS, PROVIDING PENALTIES FOR ITS VIOLATIONS AND FOR OTHER PURPOSES

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Referred to: Committees on Women, Children, Family Relations and Gender Equality; Science and Technology; Labor, Employment and Human Resources Development

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The bill aims to strengthen Republic Act. No. 9208, as amended by Republic Act No. 10364, by providing standards and guidelines on surveillance, interception, investigations, and prosecution of different forms of human trafficking, including sexual exploitation, prostitution, forced labor, slavery, and removal or sale of organs, among others.

The bill provides additional tools for law enforcers to pursue human traffickers, particularly when the violations involve the use of internet and digital platforms. The bill holds internet intermediaries

accountable for knowingly allowing their infrastructure to be used for acts of trafficking of victims of all ages.

In the investigation of violations of this Act involving the use of the internet and other digital platforms, the Regional Trial Court can provide a written order authorizing law enforcers to conduct surveillance and record communications and information involving persons charged with or suspected of trafficking. Law enforcers who record communications with a person or persons who are reasonably believed to have committed, is committing, or about to commit any trafficking crimes shall not be liable under the provisions of Republic Act. No. 4200, or the Cybercrime Prevention Act of 2012.

The same procedure will not also be considered as wiretapping or illegal interception.

Moreover, the bill introduces additional aggravating circumstances when the crime is committed during a crisis, a public health concern like a pandemic, a disaster, a humanitarian conflict or emergency situation, or when the trafficked person is a survivor of the same.

Furthermore, the bill increases the duties of local government units in providing recovery and reintegration support to trafficked persons and their families.

The following agencies are mandated to implement the programs indicated in the provisions of this Act:

1. Department of Foreign Affairs (DFA)
2. Department of Labor and Employment (DOLE)
3. Department of Justice (DOJ)
4. Bureau of Immigration (BI)
5. Department of Social Welfare and Development (DSWD)
6. Philippine Commission on Women (PCW)
7. Department of Interior and Local Government (DILG)
8. Commission on Filipinos Overseas (CFO)
9. Local Government Units (LGUs)
10. Department of Health (DOH)
11. Department of Information and Communications Technology (DICT)
12. Department of Transportation (DOTR)
13. Department of Tourism (DOT)
14. Department of Education (DEPED)
15. Department of Agriculture (DA)
16. Philippine Coast Guard (PCG)
17. National Council on Disability Affairs
18. National Commission on Indigenous Peoples
19. Office of Civil Defense
20. Philippine Amusement and Gaming Corporation (PAGCOR)
21. Philippine Center on Transnational Crime
22. Council for the Welfare of Children (CWC)
23. Philippine Ports Authority (PPA)

Violation of Section 9 of this Act, which enumerates the duties and responsibilities of the private sector, shall have a fine of not less than Two Million Pesos (P2,000,000.00) but not more than Five Million Pesos (P5,000,000.00) for the first offense. Subsequent offense shall have the penalty

of a fine of not less than Two Million Pesos (P2,000,000.00) but not more than Ten Million Pesos (P10,000,000.00) and revocation of franchise and license to operate.

While the penalty of imprisonment of six (6) years and a fine not less than Five Hundred Thousand Pesos (P500,000.00) but not more than One Million Pesos (P1,000,000.00) shall be charged for any attempt to unduly pressure the complainant to execute an Affidavit of Desistance.

Fines imposed under this Act and the proceeds and properties forfeited and confiscated, as well as those collected by AMLC shall accrue to a Trust Fund and will be used exclusively for programs to prevent acts of trafficking.

(Summary prepared by: Elvie F. Isleta 16 December 2021)