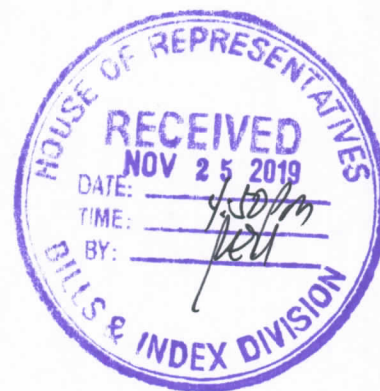


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5609



Introduced by HON. MARLYN B. ALONTE

EXPLANATORY NOTE

It's known to one and all that the internet and the technology of connectivity provide multiple advantages to the society. Unfortunately, their disadvantages can also be very damaging. Case in point: crimes against children.

Children have always been an easy target of crimes. In 2019, the United Nations Children's Fund (UNICEF) reported that online child abuse is the leading cybercrime in the Philippines and that new technologies like live streaming are putting more Filipino children at risk of sexual abuse.

Data from the International Justice Mission (IJM) showed that in 2017 alone, the Philippines recorded a total of 45,645 tips (where 50% of rescued children are aged 12 and below) related to online sexual exploitation of children, and that the country is considered one of the main destinations of foreign pedophiles who use poverty situations to take advantage of children.

Although there was a bill to protect children from such crimes (specifically the Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, which was amended six years ago), new technology presents new and complex challenges for law enforcement agencies. It has become more difficult for law enforcers in terms of investigating crimes, collecting evidence, identifying and apprehending offenders, and providing assistance to the victims. This is due partly to the prohibitions under R.A. No. 4200 or the Anti-Wiretapping Law.

This bill aims to enhance the ability of law enforcement agencies to use court-authorized wiretaps in investigating cybercrimes since it will allow them to collect strong evidence. The bill also seeks to tap the assistance of private enterprises—such as internet service providers, telecommunication companies, and tourism-related establishments—as they play a crucial role in the prevention of such crimes.

This bill will also add new members to the Inter-Agency Council Against Trafficking (IACAT) for better implementation of the anti-trafficking act. They will be the Secretary of the Department of Information and Communications Technology (DICT), Secretary of the Department of Transportation (DOTr), Administrator of the Overseas Workers Welfare Administrator (OWWA), and Director, of the National Bureau of Investigation (NBI).

Hence, the passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'Marlyn B. Alonte', with a stylized flourish at the end.

MARLYN B. ALONTE
Lone District of Binan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS

First Regular Session

5609

HOUSE BILL NO. _____

Introduced by HON. MARLYN ALONTE

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"

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

Section 1. Section 8 of Republic Act No. 9208, as amended, is hereby amended to read as follows –

"SECTION. 8. INVESTIGATION and Prosecution of Cases. –

"(a) Initiation of Investigation. – Law enforcement agencies are mandated to immediately initiate investigation and counter-trafficking-intelligence gathering upon receipt of statements or affidavit from victims of trafficking, migrant workers, or their families who are in possession of knowledge or information about trafficking in persons cases.

"(B) SURVEILLANCE, INTERCEPTION AND RECORDING OF COMMUNICATIONS. – IN CASES INVOLVING CHILD TRAFFICKING, AND NOTWITHSTANDING THE PROVISIONS OF REPUBLIC ACT NO. 4200 (ANTI-WIRE TAPPING LAW), A LAW ENFORCEMENT OFFICER MAY, UPON A WRITTEN ORDER FROM THE COURT, TRACK DOWN, INTERCEPT AND RECORD, WITH THE USE OF ANY MODE, FORM, KIND OR TYPE OF ELECTRONIC OR OTHER SURVEILLANCE EQUIPMENT OR INTERCEPTING AND TRACKING DEVICES, OR WITH THE USE OF ANY OTHER SUITABLE WAYS AND MEANS FOR THAT PURPOSE, ANY COMMUNICATIONS, CONVERSATIONS, DISCUSSIONS, DATA, INFORMATION, OR MESSAGES, SPOKEN OR WRITTEN INVOLVING AT LEAST ONE PERSON CHARGED WITH OR SUSPECTED OF TRAFFICKING IN PERSONS.

I. FORMAL APPLICATION FOR JUDICIAL AUTHORIZATION. – THE CHIEF OF THE PHILIPPINE NATIONAL POLICE OR THE DIRECTOR OF THE NATIONAL BUREAU OF INVESTIGATION OR ANY OF THEIR DULY AUTHORIZED REPRESENTATIVES, WHO HAS BEEN DULY AUTHORIZED BY THE

BELIEVE BASED ON PERSONAL KNOWLEDGE OF FACTS OR CIRCUMSTANCES THAT: (A) THE CRIME OF TRAFFICKING HAS BEEN COMMITTED, OR IS BEING COMMITTED, OR IS ABOUT TO BE COMMITTED; (B) EVIDENCE, WHICH IS ESSENTIAL TO THE CONVICTION OF ANY CHARGED OR SUSPECTED PERSON FOR, OR TO THE SOLUTION OR PREVENTION OF, ANY SUCH CRIMES, WILL BE OBTAINED; AND, (C) THAT THERE IS NO OTHER EFFECTIVE MEANS READILY AVAILABLE FOR ACQUIRING SUCH EVIDENCE.

- II. *CLASSIFICATION AND CONTENT OF THE ORDER OF THE COURT.* - THE ORIGINAL APPLICATION FOR AUTHORITY TO TRACK DOWN, INTERCEPT AND RECORD, INCLUDING HIS APPLICATION TO EXTEND OR RENEW, IF ANY, THE WRITTEN ORDER GRANTED BY THE COURT, AND ANY SUCH ORDER TO EXTEND OR RENEW THE SAME SHALL BE DEEMED, AND ARE HEREBY DECLARED, AS CLASSIFIED INFORMATION: PROVIDED, THAT THE PERSON BEING SURVEILLED OR WHOSE COMMUNICATIONS, LETTERS, PAPERS, MESSAGES, CONVERSATIONS, DISCUSSIONS, SPOKEN OR WRITTEN WORDS AND EFFECTS HAVE BEEN MONITORED, LISTENED TO, BUGGED OR RECORDED BY LAW ENFORCEMENT AUTHORITIES HAS THE RIGHT TO BE INFORMED OF THE ACTS DONE BY THE LAW ENFORCEMENT AUTHORITIES IN THE PREMISES OR TO CHALLENGE, IF HE OR SHE INTENDS TO DO SO, THE LEGALITY OF THE INTERFERENCE BEFORE THE COURT WHICH ISSUED THE WRITTEN ORDER.

THE WRITTEN ORDER OF THE COURT AUTHORIZING THE TRACK DOWN, INTERCEPTION AND RECORDING, SHALL SPECIFY THE FOLLOWING: (A) THE IDENTITY, SUCH AS NAME AND ADDRESS, IF KNOWN, OF THE CHARGED OR SUSPECTED PERSON WHOSE COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS ARE TO BE TRACKED DOWN, TAPPED, LISTENED TO, INTERCEPTED, AND RECORDED AND, IN THE CASE OF RADIO, ELECTRONIC, OR TELEPHONIC (WHETHER WIRELESS OR OTHERWISE) COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS, THE ELECTRONIC TRANSMISSION SYSTEMS OR THE TELEPHONE NUMBERS TO BE TRACKED DOWN, TAPPED, LISTENED TO, INTERCEPTED, AND RECORDED AND THEIR LOCATIONS, OR IF THE PERSON SUSPECTED OF THE CRIME IS NOT FULLY KNOWN, SUCH PERSON SHALL BE SUBJECT TO CONTINUOUS SURVEILLANCE PROVIDED THERE IS A REASONABLE GROUND TO DO SO; (B) THE IDENTITY (NAME, ADDRESS, AND THE POLICE OR LAW ENFORCEMENT ORGANIZATION) OF THE POLICE OR OF THE LAW ENFORCEMENT OFFICIAL, INCLUDING THE INDIVIDUAL IDENTITY (NAMES, ADDRESSES, AND THE POLICE OR LAW ENFORCEMENT ORGANIZATION) OF THE MEMBERS OF HIS TEAM, JUDICIALLY AUTHORIZED TO TRACK DOWN, TAP, LISTEN TO, INTERCEPT, AND RECORD THE COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS; (C) THE OFFENSE OR OFFENSES COMMITTED, OR BEING COMMITTED, OR SOUGHT TO BE PREVENTED; AND, (D) THE LENGTH OF TIME WITHIN WHICH THE AUTHORIZATION SHALL BE USED OR CARRIED OUT.

- III. *EFFECTIVE PERIOD OF JUDICIAL AUTHORIZATION.* - ANY AUTHORIZATION GRANTED BY THE COURT PURSUANT TO THIS SECTION SHALL ONLY BE EFFECTIVE FOR THE LENGTH OF TIME SPECIFIED IN THE WRITTEN ORDER OF THE COURT, WHICH SHALL NOT EXCEED A PERIOD OF THIRTY (30) DAYS FROM THE DATE OF RECEIPT BY THE APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL OF THE WRITTEN ORDER.

THE COURT MAY EXTEND OR RENEW THE SAID AUTHORIZATION FOR ANOTHER NON-EXTENDIBLE PERIOD, WHICH SHALL NOT EXCEED THIRTY (30) DAYS FROM THE EXPIRATION OF THE ORIGINAL PERIOD: PROVIDED, THAT THE COURT IS SATISFIED THAT SUCH EXTENSION OR RENEWAL IS IN THE PUBLIC INTEREST: AND PROVIDED, FURTHER, THAT THE *EX PARTE* APPLICATION FOR EXTENSION OR RENEWAL, WHICH MUST BE FILED BY THE ORIGINAL APPLICANT, HAS BEEN DULY AUTHORIZED IN WRITING BY THE DEPARTMENT OF JUSTICE.

IN CASE OF DEATH OF THE ORIGINAL APPLICANT, OR IN CASE HE IS PHYSICALLY DISABLED TO FILE THE APPLICATION FOR EXTENSION OR RENEWAL, THE ONE NEXT IN RANK TO THE ORIGINAL APPLICANT AMONG THE MEMBERS OF THE TEAM NAMED IN THE ORIGINAL WRITTEN ORDER OF THE COURT SHALL FILE THE APPLICATION FOR EXTENSION OR RENEWAL: PROVIDED, THE APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL SHALL HAVE THIRTY (30) DAYS AFTER THE TERMINATION OF THE PERIOD GRANTED BY THE REGIONAL TRIAL COURT AS PROVIDED IN THE PRECEDING PARAGRAPHS WITHIN WHICH TO FILE THE APPROPRIATE CASE BEFORE THE PUBLIC PROSECUTOR'S OFFICE FOR ANY VIOLATION OF THIS ACT.

IF NO CASE IS FILED WITHIN THE THIRTY (30)-DAY PERIOD, THE APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL SHALL, WITHIN THIRTY (30) DAYS FROM THE EXPIRATION OF THE SAID THIRTY (30)-DAY PERIOD, NOTIFY THE PERSON SUBJECT OF THE SURVEILLANCE THAT HE OR SHE WAS THE SUBJECT OF SURVEILLANCE, INTERCEPTION AND RECORDING, AND THE TERMINATION THEREOF. FAILURE TO NOTIFY THE SURVEILLED WITHIN THE REQUIRED PERIOD SHALL BE PENALIZED UNDER SECTION 10(g) OF THIS ACT.

- IV. *CUSTODY OF INTERCEPTED AND RECORDED COMMUNICATIONS.* - ALL TAPES, DISCS, AND RECORDINGS MADE PURSUANT TO THIS SECTION, INCLUDING ALL EXCERPTS AND SUMMARIES THEREOF AS WELL AS ALL WRITTEN NOTES OR MEMORANDA MADE IN CONNECTION THEREWITH, SHALL, WITHIN FORTY-EIGHT (48) HOURS AFTER THE EXPIRATION OF THE PERIOD FIXED IN THE WRITTEN ORDER, OR WITHIN FORTY-EIGHT (48) HOURS AFTER THE EXPIRATION OF ANY EXTENSION OR RENEWAL, BE DEPOSITED WITH THE COURT GRANTING THE AUTHORITY IN A SEALED ENVELOPE OR SEALED PACKAGE, AS THE CASE MAY BE, AND SHALL BE ACCOMPANIED BY A JOINT AFFIDAVIT OF THE APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL AND THE MEMBERS OF HIS TEAM. IN CASE OF DEATH OF THE APPLICANT OR IN CASE HE IS PHYSICALLY DISABLED TO EXECUTE THE REQUIRED AFFIDAVIT, THE ONE NEXT IN RANK TO THE APPLICANT AMONG THE MEMBERS OF THE TEAM NAMED IN THE WRITTEN ORDER SHALL EXECUTE WITH THE MEMBERS OF THE TEAM THAT REQUIRED AFFIDAVIT. IT SHALL BE UNLAWFUL FOR ANY PERSON, POLICE OFFICER OR ANY CUSTODIAN OF THE TAPES, DISCS AND RECORDING, AND THEIR EXCERPTS AND SUMMARIES, WRITTEN NOTES OR MEMORANDA TO COPY IN WHATEVER FORM, TO REMOVE, DELETE, EXPUNGE, INCINERATE, SHRED OR DESTROY IN ANY MANNER THE ITEMS ENUMERATED ABOVE IN WHOLE OR IN PART UNDER ANY PRETEXT WHATSOEVER.
- V. *CONTENTS OF JOINT AFFIDAVIT.* - THE JOINT AFFIDAVIT OF THE POLICE OR OF THE LAW ENFORCEMENT OFFICIAL AND THE INDIVIDUAL MEMBERS OF HIS TEAM SHALL STATE: (A) THE NUMBER OF TAPES,

DISCS, AND RECORDINGS THAT HAVE BEEN MADE, AS WELL AS THE NUMBER OF EXCERPTS AND SUMMARIES THEREOF AND THE NUMBER OF WRITTEN NOTES AND MEMORANDA, IF ANY, MADE IN CONNECTION THEREWITH; (B) THE DATES AND TIMES COVERED BY EACH OF SUCH TAPES, DISCS, AND RECORDINGS; (C) THE NUMBER OF TAPES, DISCS, AND RECORDINGS, AS WELL AS THE NUMBER OF EXCERPTS AND SUMMARIES THEREOF AND THE NUMBER OF WRITTEN NOTES AND MEMORANDA MADE IN CONNECTION THEREWITH THAT HAVE BEEN INCLUDED IN THE DEPOSIT; AND (D) THE DATE OF THE ORIGINAL WRITTEN AUTHORIZATION GRANTED BY THE DEPARTMENT OF JUSTICE TO THE APPLICANT TO FILE THE EX PARTE APPLICATION TO CONDUCT THE TRACKING DOWN, TAPPING, INTERCEPTING, AND RECORDING, AS WELL AS THE DATE OF ANY EXTENSION OR RENEWAL OF THE ORIGINAL WRITTEN AUTHORITY GRANTED BY THE COURT.

THE JOINT AFFIDAVIT SHALL ALSO CERTIFY UNDER OATH THAT NO DUPLICATES OR COPIES OF THE WHOLE OR ANY PART OF ANY OF SUCH TAPES, DISCS, AND RECORDINGS, AND THAT NO DUPLICATES OR COPIES OF THE WHOLE OR ANY PART OF ANY OF SUCH EXCERPTS, SUMMARIES, WRITTEN NOTES, AND MEMORANDA, HAVE BEEN MADE, OR, IF MADE, THAT ALL SUCH DUPLICATES AND COPIES ARE INCLUDED IN THE SEALED ENVELOPE OR SEALED PACKAGE, AS THE CASE MAY BE, DEPOSITED WITH THE AUTHORIZING DIVISION OF THE COURT OF APPEALS. IT SHALL BE UNLAWFUL FOR ANY PERSON, POLICE OR LAW ENFORCEMENT OFFICIAL TO.

- VI. *DISPOSITION OF DEPOSITED MATERIAL.* -THE SEALED ENVELOPE OR SEALED PACKAGE AND THE CONTENTS THEREOF, WHICH ARE DEPOSITED WITH THE AUTHORIZING COURT, SHALL BE DEEMED AND ARE HEREBY DECLARED CLASSIFIED INFORMATION, AND THE SEALED ENVELOPE OR SEALED PACKAGE SHALL NOT BE OPENED AND ITS CONTENTS (INCLUDING THE TAPES, DISCS, AND RECORDINGS AND ALL THE EXCERPTS AND SUMMARIES THEREOF AND THE NOTES AND MEMORANDA MADE IN CONNECTION THEREWITH) SHALL NOT BE DIVULGED, REVEALED, READ, REPLAYED, OR USED AS EVIDENCE UNLESS AUTHORIZED BY WRITTEN ORDER OF THE AUTHORIZING COURT. FOR THIS PURPOSE, THE DEPARTMENT OF JUSTICE SHALL FILE A WRITTEN APPLICATION TO OPEN THE SEALED ENVELOPE OR SEALED PACKAGE BEFORE THE AUTHORIZING COURT, WITH PROPER WRITTEN NOTICE TO THE PERSON WHOSE CONVERSATION, COMMUNICATION, MESSAGE DISCUSSION OR SPOKEN OR WRITTEN WORDS HAVE BEEN THE SUBJECT OF SURVEILLANCE, MONITORING, RECORDING AND INTERCEPTION, TO OPEN, REVEAL, DIVULGE, AND USE THE CONTENTS OF THE SEALED ENVELOPE OR SEALED PACKAGE AS EVIDENCE.

THE WRITTEN APPLICATION WITH NOTICE TO THE PARTY CONCERNED TO OPEN THE DEPOSITED SEALED ENVELOPE OR SEALED PACKAGE SHALL CLEARLY STATE THE PURPOSE OR REASON: (A) FOR OPENING THE SEALED ENVELOPE OR SEALED PACKAGE; (B) FOR REVEALING OR DISCLOSING ITS CLASSIFIED CONTENTS; (C) FOR REPLAYING, DIVULGING, AND OR READING ANY OF THE LISTENED TO, INTERCEPTED, AND RECORDED COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS (INCLUDING ANY OF THE EXCERPTS AND SUMMARIES THEREOF AND ANY OF THE NOTES OR MEMORANDA MADE IN CONNECTION THEREWITH); AND, (D) FOR USING ANY OF SAID LISTENED TO, INTERCEPTED, AND RECORDED

COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS (INCLUDING ANY OF THE EXCERPTS AND SUMMARIES THEREOF AND ANY OF THE NOTES OR MEMORANDA MADE IN CONNECTION THEREWITH) AS EVIDENCE.

VII. *EVIDENTIARY VALUE OF DEPOSITED MATERIALS.* - ANY LISTENED TO, INTERCEPTED, AND RECORDED COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS, OR ANY PART OR PARTS THEREOF, OR ANY INFORMATION OR FACT CONTAINED THEREIN, INCLUDING THEIR EXISTENCE, CONTENT, SUBSTANCE, PURPORT, EFFECT, OR MEANING, WHICH HAVE BEEN SECURED IN VIOLATION OF THE PERTINENT PROVISIONS OF THIS ACT, SHALL ABSOLUTELY NOT BE ADMISSIBLE AND USABLE AS EVIDENCE AGAINST ANYBODY IN ANY JUDICIAL, QUASI-JUDICIAL, LEGISLATIVE, OR ADMINISTRATIVE INVESTIGATION, INQUIRY, PROCEEDING, OR HEARING.

"(C) *Prosecution of Cases.* - Any person who has personal knowledge of the commission of any offense under this Act, such as the trafficked person, the parents, spouse, siblings, children or legal guardian may file a complaint for trafficking.

"(D) *PLEA BARGAINING.* - THE ACCUSED, WITH THE CONSENT OF THE OFFENDED PARTY AND THE PROSECUTOR, MAY BE ALLOWED BY THE TRIAL COURT TO PLEAD GUILTY TO A LESSER OFFENSE WHICH IS NECESSARILY INCLUDED IN THE OFFENSE CHARGED.

"(E) *Affidavit of Desistance.* - Cases involving trafficking in persons should not be dismissed based on the affidavit of desistance executed by the victims or their parents or legal guardians. Public and private prosecutors are directed to oppose and manifest objections to motions for dismissal.

"Any act involving the means provided in this Act or any attempt thereof for the purpose of securing an Affidavit of Desistance from the complainant shall be punishable under this Act."

SECTION 8-A. DUTIES OF AN INTERNET SERVICE PROVIDER (ISP). - ALL INTERNET SERVICE PROVIDERS (ISPs) SHALL NOTIFY THE PHILIPPINE NATIONAL POLICE (PNP) OR THE NATIONAL BUREAU OF INVESTIGATION (NBI) WITHIN SEVEN (7) DAYS FROM OBTAINING FACTS AND CIRCUMSTANCES THAT ANY FORM OF CHILD TRAFFICKING, CHILD PORNOGRAPHY, OR ANY FORM SEXUAL EXPLOITATION OF CHILDREN IS BEING COMMITTED USING ITS SERVER OR FACILITY. NOTHING IN THIS SECTION MAY BE CONSTRUED TO REQUIRE AN ISP TO ENGAGE IN THE MONITORING OF ANY USER, SUBSCRIBER OR CUSTOMER, OR THE CONTENT OF ANY COMMUNICATION OF ANY SUCH PERSON: PROVIDED, THAT NO ISP SHALL BE HELD CIVILLY LIABLE FOR DAMAGES ON ACCOUNT OF ANY NOTICE GIVEN IN GOOD FAITH IN COMPLIANCE WITH THIS SECTION.

FURTHERMORE, AN ISP SHALL PRESERVE SUCH EVIDENCE FOR PURPOSE OF INVESTIGATION AND PROSECUTION BY RELEVANT AUTHORITIES.

AN ISP SHALL, UPON THE REQUEST OF PROPER AUTHORITIES, FURNISH THE PARTICULARS OF USERS WHO GAINED OR ATTEMPTED TO GAIN ACCESS TO AN INTERNET ADDRESS WHICH CONTAINS ANY FORM OF CHILD TRAFFICKING, CHILD PORNOGRAPHY OR ANY FORM OF SEXUAL EXPLOITATION OF CHILDREN.

ALL ISPS SHALL INSTALL AVAILABLE TECHNOLOGY, PROGRAM OR SOFTWARE TO ENSURE THAT ACCESS TO OR TRANSMITTAL OF ANY FORM OF CHILD PORNOGRAPHY WILL BE BLOCKED OR FILTERED.

AN ISP WHO SHALL KNOWINGLY, WILLFULLY AND INTENTIONALLY VIOLATE THIS PROVISION SHALL BE SUBJECT TO THE PENALTY PROVIDED UNDER SECTION 10(H) OF THIS ACT.

THE DEPARTMENT OF JUSTICE (DOJ), WITH THE NATIONAL TELECOMMUNICATIONS COMMISSION (NTC), AND SUCH OTHER RELEVANT GOVERNMENT AGENCIES, SHALL PROMULGATE WITHIN NINETY (90) DAYS FROM THE EFFECTIVITY OF THIS ACT THE NECESSARY RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THIS PROVISION WHICH SHALL INCLUDE, AMONG OTHERS, THE INSTALLATION OF FILTERING SOFTWARE THAT WILL BLOCK ACCESS TO OR TRANSMISSION OF ANY FORM OF CHILD TRAFFICKING, CHILD PORNOGRAPHY, OR SEXUAL EXPLOITATION OF CHILDREN.

SECTION 8-B. RESPONSIBILITY OF TOURISM-ORIENTED ESTABLISHMENTS¹ INCLUDING HOTELS, RESORTS, INNS, MOTELS, AND OTHER RELATED FACILITIES AND SERVICES. - ALL TOURISM-ORIENTED ESTABLISHMENTS INCLUDING HOTELS, RESORTS, INNS, MOTELS, AND OTHER RELATED FACILITIES AND SERVICES SHALL NOTIFY THE PNP OR THE NBI WITHIN SEVEN (7) DAYS FROM OBTAINING FACTS AND CIRCUMSTANCES THAT CHILD TRAFFICKING, CHILD PORNOGRAPHY, OR SEXUAL EXPLOITATION OF CHILDREN IS BEING COMMITTED IN THEIR PREMISES. PROVIDED, THAT PUBLIC DISPLAY OF ANY FORM OF CHILD PORNOGRAPHY WITHIN THEIR PREMISES IS A CONCLUSIVE PRESUMPTION OF THE KNOWLEDGE OF THE OWNERS/OPERATORS AND OWNERS OR LESSORS OF BUSINESS ESTABLISHMENTS OF THE VIOLATION OF THIS ACT: PROVIDED, FURTHER, THAT A DISPUTABLE PRESUMPTION OF KNOWLEDGE BY OWNERS/OPERATORS AND OWNERS OR LESSORS OF BUSINESS ESTABLISHMENTS SHOULD KNOW OR REASONABLY KNOW THAT A VIOLATION OF THIS ACT IS BEING COMMITTED IN THEIR PREMISES.

ALL TOURISM-ORIENTED ESTABLISHMENTS REFERRED TO IN THE PRECEDING PARAGRAPH SHALL POST A NOTICE WITH THE CONTACT DETAILS OF HUMAN TRAFFICKING HOTLINES, BOTH NATIONAL AND LOCAL, IN A CONSPICUOUS PLACE NEAR THE PUBLIC ENTRANCE OF THE ESTABLISHMENT OR IN ANOTHER CONSPICUOUS LOCATION IN CLEAR VIEW OF THE PUBLIC AND EMPLOYEES WHERE SIMILAR NOTICES ARE CUSTOMARILY POSTED.

FOR THIS PURPOSE, THE INTER-AGENCY COUNCIL AGAINST TRAFFICKING (IACAT) SHALL DEVELOP A MODEL NOTICE THAT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AND MAKE THE MODEL NOTICE AVAILABLE FOR DOWNLOAD ON ITS INTERNET WEB SITE.

FURTHER, ALL TOURISM-ORIENTED ESTABLISHMENTS REFERRED TO IN THE FIRST PARAGRAPH OF THIS SECTION SHALL TRAIN ITS EMPLOYEES WHO ARE LIKELY TO INTERACT OR COME INTO CONTACT WITH VICTIMS OF HUMAN TRAFFICKING IN RECOGNIZING THE SIGNS OF HUMAN TRAFFICKING AND HOW TO REPORT THOSE SIGNS TO THE APPROPRIATE LAW ENFORCEMENT AGENCY. THE IACAT SHALL DEVELOP A TRAINING CURRICULUM OR PROGRAM AND MAKE THE SAME AVAILABLE FOR DOWNLOAD ON ITS INTERNET WEB SITE.

THE IACAT, WITH THE DEPARTMENT OF TOURISM AND SUCH OTHER RELEVANT GOVERNMENT AGENCIES, SHALL PROMULGATE WITHIN NINETY (90) DAYS FROM THE EFFECTIVITY OF THIS ACT THE NECESSARY RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THIS PROVISION.

ANY WILLFUL AND INTENTIONAL VIOLATION OF THIS PROVISION SHALL BE SUBJECT TO THE PENALTY PROVIDED UNDER SECTION 10(i) OF THIS ACT.

Section 2. Section 10 of Republic Act No. 9208, as amended, is hereby amended to read as follows –

"SECTION 10. *Penalties and Sanctions.* – The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

"SEC. 10. *Penalties and Sanctions.* – The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

"(a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);

"(b) Any person found guilty of committing any of the acts enumerated in Section 4-A of this Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

"(c) Any person found guilty of Section 4-B of this Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

"In every case, conviction shall cause and carry the automatic revocation of the license or registration of the recruitment agency involved in trafficking. The license of a recruitment agency which trafficked a child shall be automatically revoked.

"(d) Any person found, guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

"(e) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

"(f) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

"(g) ANY APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL AND THE MEMBERS OF HIS TEAM AUTHORIZED TRACK DOWN, INTERCEPT AND RECORD, ANY COMMUNICATIONS, CONVERSATIONS, DISCUSSIONS, DATA,

INFORMATION, OR MESSAGES, SPOKEN OR WRITTEN, UNDER SECTION 8 HEREOF SHALL BE PENALIZED FOR THE PROHIBITED ACTS THEREIN:

- I. THE PENALTY OF TEN (10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS OF IMPRISONMENT SHALL BE IMPOSED UPON THE APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL WHO FAILS TO NOTIFY THE PERSON SUBJECT OF THE SURVEILLANCE, MONITORING, INTERCEPTION AND RECORDING UNDER SUB-SECTION III THEREOF;
- II. THE PENALTY OF NOT LESS THAN SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS OF IMPRISONMENT SHALL BE IMPOSED ANY PERSON WHO COPIES IN WHATEVER FORM, REMOVES, DELETES, EXPUNGES, INCINERATES, SHREDS OR DESTROYS THE TAPES, DISCS AND RECORDING, AND THEIR EXCERPTS AND SUMMARIES, WRITTEN NOTES OR MEMORANDA MADE IN CONNECTION WITH THE AUTHORIZED INTERCEPTION AND RECORDING UNDER SUB-SECTION IV THEREOF;
- III. THE PENALTY OF NOT LESS THAN TEN (10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS OF IMPRISONMENT SHALL BE IMPOSED ON ANY PERSON, POLICE OR LAW ENFORCEMENT OFFICER WHO OMIT OR EXCLUDE FROM THE JOINT AFFIDAVIT ANY ITEM OR PORTION THEREOF MENTIONED IN SUB-SECTION V THEREOF;
- IV. THE PENALTY OF SIX (6) YEARS AND ONE (1) DAY TO EIGHT (8) YEARS OF IMPRISONMENT SHALL BE IMPOSED ON ANY PERSON WHO VIOLATES HIS OR HER DUTY TO NOTIFY IN WRITING THE PERSONS SUBJECT OF THE SURVEILLANCE UNDER SUB-SECTION VI THEREOF;
- V. THE PENALTY OF TEN (10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS OF IMPRISONMENT SHALL BE IMPOSED ON ANY POLICE OR LAW ENFORCEMENT OFFICIAL WHO, WITHOUT AUTHORITY FROM THE COURT TRACKS DOWN, TAPS, LISTENS TO, INTERCEPTS, AND RECORDS IN WHATEVER MANNER OR FORM ANY COMMUNICATION, MESSAGE, CONVERSATION, DISCUSSION, OR SPOKEN OR WRITTEN WORD OF A PERSON CHARGED WITH OR SUSPECTED OF CHILD TRAFFICKING UNDER THIS ACT;
- VI. IN ADDITION TO THE LIABILITY OF THE OFFENDER FOR THE COMMISSION OF ANY OTHER OFFENSE, THE PENALTY OF TEN (10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS OF IMPRISONMENT AND THE ACCESSORY PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION FROM PUBLIC OFFICE SHALL BE IMPOSED UPON ANY POLICE OR LAW ENFORCEMENT PERSONNEL WHO MALICIOUSLY OBTAINED AN AUTHORITY TO TRACK DOWN, TAP, LISTEN TO, INTERCEPT, AND RECORD IN WHATEVER MANNER OR FORM ANY COMMUNICATION, MESSAGE, CONVERSATION, DISCUSSION, OR SPOKEN OR WRITTEN WORDS OF A PERSON CHARGED WITH OR SUSPECTED OF CHILD TRAFFICKING UNDER THIS ACT; FURTHER, THE PARTY AGGRIEVED BY SUCH AUTHORIZATION SHALL BE ALLOWED ACCESS TO THE SEALED ENVELOPE OR SEALED PACKAGE AND THE CONTENTS THEREOF AS EVIDENCE FOR THE PROSECUTION OF ANY POLICE OR LAW ENFORCEMENT PERSONNEL WHO MALICIOUSLY PROCURED SAID AUTHORIZATION.

“(h) ANY ISP FOUND GUILTY OF WILLFULLY AND KNOWINGLY FAILING TO COMPLY WITH THE NOTICE AND INSTALLATION REQUIREMENTS UNDER SECTION 8-A OF THIS ACT SHALL SUFFER THE PENALTY OF A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (PHP500,000.00) BUT NOT MORE THAN ONE MILLION PESOS (PHP1,000,000.00) FOR THE FIRST OFFENSE. IN CASE OF SUBSEQUENT OFFENSE, THE PENALTY SHALL BE A FINE OF NOT LESS THAN ONE

MILLION PESOS (PHP1,000,000.00) BUT NOT MORE THAN TWO MILLION PESOS (PHP2,000,000.00) AND REVOCATION OF ITS LICENSE TO OPERATE;

"(i)) ANY TOURISM-ORIENTED ESTABLISHMENTS INCLUDING HOTELS, RESORTS, INNS, MOTELS, AND OTHER RELATED FACILITIES AND SERVICES WHO WILLFULLY AND KNOWINGLY FAIL TO COMPLY WITH THE NOTICE AND TRAINING REQUIREMENTS UNDER SECTION 8-B OF THIS ACT SHALL SUFFER THE PENALTY OF A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (PHP500,000.00) BUT NOT MORE THAN ONE MILLION PESOS (PHP1,000,000.00) FOR THE FIRST OFFENSE. IN CASE OF SUBSEQUENT OFFENSE, THE PENALTY SHALL BE A FINE OF NOT LESS THAN ONE MILLION PESOS (PHP1,000,000.00) BUT NOT MORE THAN TWO MILLION PESOS (PHP2,000,000.00) AND REVOCATION OF ITS LICENSE TO OPERATE AND IMMEDIATE CLOSURE OF THE ESTABLISHMENT; AND

"(j) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;

"(k) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. the owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;

"(L) If the offender is a foreigner, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country;

"(M) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. the concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. his or her retirement and other benefits shall likewise be forfeited; and

"(N) Conviction, by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption."

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

"SECTION 16. Programs that Address Trafficking in Persons. – The government shall establish and implement preventive, protective and rehabilitative programs for trafficked persons. For this purpose, the following agencies are hereby mandated to implement the following programs:

"(a) Department of Foreign Affairs (DFA) – shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies

and implementation of relevant programs. It shall provide Filipino victims of trafficking overseas with free legal assistance and counsel to pursue legal action against his or her traffickers, represent his or her interests in any criminal investigation or prosecution, and assist in the application for social benefits and/or regular immigration status as may be allowed or provided for by the host country. The DFA shall repatriate trafficked Filipinos with the consent of the victims. (a)

"The DFA shall take necessary measures for the efficient implementation of the Electronic Passporting System to protect the integrity of Philippine passports, visas and other travel documents to reduce the incidence of trafficking through the use of fraudulent identification documents.

"In coordination with the Department of Labor and Employment, it shall provide free temporary shelters and other services to Filipino victims of trafficking overseas through the migrant workers and other overseas Filipinos resource centers established overseas under Republic Act No. 8042, as amended. (n)

"(b) Department of Social Welfare and Development (DSWD) – shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community. It shall establish free temporary shelters, for the protection and housing of trafficked persons to provide the following basic services to trafficked persons: (a)

- (1) Temporary housing and food facilities; (n)
- (2) Psychological support and counseling; (n)
- (3) 24-hour call center for crisis calls and technology-based counseling and referral system; (n)
- (4) Coordination with local law enforcement entities; and (n)
- (5) Coordination with the Department of Justice, among others. (n)

The DSWD must conduct information campaigns in communities and schools teaching parents and families that receiving consideration in exchange for adoption is punishable under the law. Furthermore, information campaigns must be conducted with the police that they must not induce poor women to give their children up for adoption in exchange for consideration. (n)

"(c) Department of Labor and Employment (DOLE) – shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.

"(d) Department of Justice (DOJ) – shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups.

"(e) Philippine Commission on Women (PCW) – shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women's issues. (a)

"(f) Bureau of Immigration (BI) – shall strictly administer and enforce immigration and alien administration laws. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement as provided for in this Act.

"(g) Philippine National Police (PNP) and National Bureau of Investigation (NBI) – shall be the primary law enforcement agencies to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. They shall closely coordinate with each other and with other law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. They shall also establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations. (a)

"(h) Philippine Overseas Employment Administration (POEA) and Overseas Workers and Welfare Administration (OWWA) – POEA shall implement Pre-Employment Orientation Seminars (PEOS) while Pre-Departure Orientation Seminars (PDOS) shall be conducted by the OWWA. It shall likewise formulate a system of providing free legal assistance to trafficked persons, in coordination with the DFA. (a)

"The POEA shall create a blacklist of recruitment agencies, illegal recruiters and persons facing administrative, civil and criminal complaints for trafficking filed in the receiving country and/or in the Philippines and those agencies, illegal recruiters and persons involved in cases of trafficking who have been rescued by the DFA and DOLE in the receiving country or in the Philippines even if no formal administrative, civil or criminal complaints have been filed: Provided, That the rescued victims shall execute an affidavit attesting to the acts violative of the anti-trafficking law. This blacklist shall be posted in conspicuous places in concerned government agencies and shall be updated bi-monthly. (n)

"The blacklist shall likewise be posted by the POEA in the shared government information system, which is mandated to be established under Republic Act No. 8042, as amended. (n)

"The POEA and OWWA shall accredit NGOs and other service providers to conduct PEOS and PDOS, respectively. The PEOS and PDOS should include the discussion and distribution of the blacklist. (n)

"The license or registration of a recruitment agency that has been blacklisted may be suspended by the POEA upon a review of the complaints filed against said agency. (n)

"(i) Department of the Interior and Local Government (DILG) – shall institute a systematic information and prevention campaign in coordination with pertinent agencies of government as provided for in this Act. It shall provide training programs to local government units, in coordination with the Council, in ensuring wide understanding and application of this Act at the local level. (a)

"(j) Commission on Filipinos Overseas – shall conduct pre-departure counseling services for Filipinos in intermarriages. It shall develop a system for accreditation of NGOs that may be mobilized for purposes of conducting pre-departure counseling services for Filipinos in intermarriages. As such, it shall ensure that the counselors contemplated under this Act shall have the minimum qualifications and training of guidance counselors as provided for by law. (n)

"It shall likewise assist in the conduct of information campaigns against trafficking in coordination with local government units, the Philippine Information Agency, and NGOs. (n)

"(K) DEPARTMENT OF HEALTH (DOH) - SHALL DEVELOP A COMPREHENSIVE PROGRAM TO PREVENT THE TRAFFICKING OF HUMAN ORGANS. IT SHALL ALSO UNDERTAKE ACTIVITIES TO INCREASE PUBLIC AWARENESS ON ORGAN TRAFFICKING, WHICH MAY INCLUDE, BUT NOT LIMITED TO, MEDICAL PRACTITIONER, FAMILY AND PATIENT INFORMATION AND EDUCATION, PUBLIC EDUCATION AND ADVOCACY CAMPAIGN; AND SHALL RENDER ASSISTANCE IN THE INVESTIGATION AND PROSECUTION OF ORGAN TRAFFICKING.

"(L) DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT) - SHALL EXTEND IMMEDIATE ASSISTANCE FOR THE PREVENTION OF THE COMMISSION OF CYBERCRIME OFFENSES RELATED TO TRAFFICKING IN PERSONS, PARTICULARLY ONLINE SEXUAL EXPLOITATION OF CHILDREN; AND ASSIST LAW ENFORCEMENT AND PROSECUTION AGENCIES IN THE INVESTIGATION OF TRAFFICKING IN PERSONS COMMITTED THROUGH THE USE OF TECHNOLOGY AND SOCIAL MEDIA.

"(M) DEPARTMENT OF TRANSPORTATION (DOTR) - CONSISTENT WITH ITS MANDATE TO PROVIDE VIABLE, EFFICIENT, FAST, SAFE AND DEPENDABLE TRANSPORTATION, IT SHALL DEVELOP A COMPREHENSIVE PROGRAM AND AWARENESS CAMPAIGN TO ASSIST TRANSPORTATION SECTORS AND TRANSPORTATION PERSONNEL, SUCH AS AIRLINE FLIGHT ATTENDANTS, AIRPORT AGENTS, TAXI AND BUS DRIVERS, TRUCKERS, AND TRAIN AND DELIVERY DRIVERS TO IDENTIFY VICTIMS OF TRAFFICKING IN PERSONS AND TO REPORT INCIDENTS OF TRAFFICKING IN PERSONS.

"(N) OVERSEAS WORKERS WELFARE ADMINISTRATION (OWWA) - SHALL PROVIDE WELFARE PROGRAMS AND SERVICES THAT RESPOND TO THE NEEDS OF ITS MEMBER-OFWS, INCLUDING THEIR FAMILIES, WHO HAVE BECOME VICTIMS OF TRAFFICKING IN PERSONS. THE SERVICES TO THE OFWS SHALL INCLUDE SOCIAL ASSISTANCE, EDUCATION AND TRAINING, CULTURAL SERVICES, FINANCIAL MANAGEMENT, REINTEGRATION, AND ENTREPRENEURIAL DEVELOPMENT SERVICES. IT SHALL LIKEWISE PROVIDE PROMPT AND APPROPRIATE RESPONSE IN REPATRIATION OF OFWS WHO ARE VICTIMS OF TRAFFICKING IN PERSONS.

"(O) Local government units (LGUs) - shall monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act and ensure effective prosecution of such cases. They shall also undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces in coordination with the DILG, Philippine Information Agency (PIA), Commission on Filipinos Overseas (CFO), NGOs and other concerned agencies. They shall encourage and support community-based initiatives which address the trafficking in persons.

"In implementing this Act, the agencies concerned may seek and enlist the assistance of NGOs, people's organizations (POs), civic organizations and other volunteer groups.

Section 4. 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) Administrator, Philippine Overseas Employment Administration;
- "(H) ADMINISTRATOR, OVERSEAS WORKERS WELFARE ADMINISTRATOR;
- "(i) Commissioner, Bureau of Immigration;
- "(j) Chief, Philippine National Police;
- "(k) Chairperson, Philippine Commission on Women;
- "(l) Chairperson, Commission on Filipinos Overseas;
- "(m) Executive Director, Philippine Center for Transnational Crimes;
- "(N) DIRECTOR, NATIONAL BUREAU OF INVESTIGATION; AND
- "(l) Three (3) representatives from NGOs, who shall include one (1) representative each from among the sectors representing women, overseas Filipinos, and children, with a proven record of involvement in the prevention and suppression of trafficking in persons. These representatives shall be nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years.

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

Section 5. Section 21 of Republic Act No. 9208 is hereby amended to read as follows:

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

- "(a) Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons;
- "(b) Promulgate rules and regulations as may be necessary for the effective implementation of this Act;
- "(c) Monitor and oversee the strict implementation of this Act;
- "(d) Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to trafficking in persons;
- "(e) Coordinate the conduct of massive information dissemination and campaign on the existence of the law and the various issues and problems attendant to trafficking through the LGUs, concerned agencies, and NGOs;

- (f) Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;
- (g) Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act;
- (h) Formulate a program for the reintegration of trafficked persons in cooperation with DOLE, DSWD, Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), LGUs and NGOs;
- (i) Secure from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement this Act;
- (j) Complement the shared government information system for migration established under Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995" with data on cases of trafficking in persons, and ensure that the proper agencies conduct a continuing research and study on the patterns and scheme of trafficking in persons which shall form the basis for policy formulation and program direction;
- (k) Develop the mechanism to ensure the timely, coordinated, and effective response to cases of trafficking in persons;
- (l) Recommend measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress international trafficking in persons;
- (m) Coordinate with the Department of Information and Communications TECHNOLOGY (DICT), Department of Trade and Industry (DTI), and other NGOs in monitoring the promotion of advertisement of trafficking in the internet;**
- (n) Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines;
- (o) Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons; and
- (p) Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of this Act.

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

"Section 24. Other Services for Trafficked Persons. -

- (a) Legal Assistance. - Trafficked persons shall be considered under the category "Overseas Filipino in Distress" and may avail of the legal assistance created by Republic Act No. 8042, subject to the guidelines as provided by law.
- (b) Overseas Filipino Resource Centers. - The services available to overseas Filipinos as provided for by Republic Act No. 8042 shall also be extended to trafficked persons regardless of their immigration status in the host country.
- (c) The Country Team Approach. - The country team approach under Executive Order No. 74 of 1993, shall be the operational scheme under which Philippine

embassies abroad shall provide protection to trafficked persons insofar as the promotion of their welfare, dignity and fundamental rights are concerned.

(D) RECOVERY AND REINTEGRATION PROGRAM FOR TRAFFICKED PERSONS (RRPTP). - THE DSWD SHALL IMPLEMENT A RECOVERY AND REINTEGRATION FOR TRAFFICKED PERSONS WHICH INCLUDE A COMPREHENSIVE PACKAGE OF SERVICES FOR INDIVIDUAL VICTIM-SURVIVOR OF TIP, THE IMMEDIATE FAMILY AND THE COMMUNITY AT LARGE. THE RRPTP MUST INCLUDE THE FOLLOWING MAJOR PROGRAM COMPONENT:

- (1) CAPABILITY ENHANCEMENT FOR SERVICE PROVIDERS;
- (2) DIRECT SERVICES TO TRAFFICKED PERSONS, WHICH SHALL COVER COSTS FOR AUXILIARY SERVICES TO VICTIMS/WITNESSES, WHICH INCLUDES TRANSPORTATION, BOARD AND LODGING, DOCUMENTATION AND OTHER INCIDENTAL EXPENSES;
- (3) UPGRADE OF TEMPORARY SHELTERS;
- (4) IMPLEMENTATION OF THE NATIONAL REFERRAL SYSTEM AND UPDATING AND MAINTENANCE OF THE NATIONAL RECOVERY AND REINTEGRATION DATABASE; AND
- (5) ADVOCACY.

Section 7. EFFECTIVITY. - THIS ACT SHALL TAKE EFFECT FIFTEEN (15) DAYS FOLLOWING ITS COMPLETE PUBLICATION IN AT LEAST TWO (2) NEWSPAPERS OF GENERAL CIRCULATION."