



Senate
Office of the Secretary

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

19 DEC -9 P 3 59

SENATE

S. No. 1220

RECEIVED BY: 

Introduced by Senator **PIA S. CAYETANO**

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"

EXPLANATORY NOTE

Republic Act (RA) No. 9208 or the Anti-Trafficking in Persons Act, as amended by RA No. 10364,¹ was enacted in pursuit of the State's highest priority to enact measures and development programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society. This is consistent with the State's responsibilities under various international laws and conventions.

However, with the advancements of technology, law enforcement agencies must be provided with updated legislations to combat acts of trafficking in persons, sexual exploitation, prostitution, forced labor, slavery, removal or sale of organs, or

¹ Expanded Anti-Trafficking in Persons Act of 2012.

pornography. Thus, updates on the Expanded Anti-Trafficking in Persons Act, considering technological advancements, is needed.

This bill aims to provide the law enforcement agencies with better methods of investigation by setting the standards and guidelines in surveillance, interception and recording of communications of suspected traffickers under the supervision of the Courts.

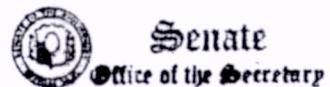
Moreover, this bill also provides for the responsibilities of internet service providers and tourism-oriented establishments in assisting in investigations and reporting of acts of trafficking in persons.

Further, this bill lays down penalties for violations committed by abusive law enforcement agencies, and negligent internet service providers and tourism-oriented establishments.

Finally, this bill aims to reorganize the Inter-Agency Council Against Trafficking to include the National Bureau of Investigation, Department of Health, Department of Information and Communications Technology, Department of Transportation, and Overseas Workers Welfare Administrator in order to consolidate and harmonize all efforts of the government against trafficking in persons.

In view of the foregoing, the approval of this bill is earnestly sought.


PIA S. CAYETANO



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

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

3

4 "Section 8. **INVESTIGATION** Initiation and Prosecution of Cases. –

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

11

12 "**(B) SURVEILLANCE, INTERCEPTION AND RECORDING OF**
13 **COMMUNICATIONS. – IN CASES INVOLVING CHILD**

1 TRAFFICKING, AND NOTWITHSTANDING THE PROVISIONS
2 OF REPUBLIC ACT NO. 4200 (ANTI-WIRE TAPPING LAW), A
3 LAW ENFORCEMENT OFFICER MAY, UPON A WRITTEN
4 ORDER FROM THE COURT, TRACK DOWN, INTERCEPT AND
5 RECORD, WITH THE USE OF ANY MODE, FORM, KIND OR
6 TYPE OF ELECTRONIC OR OTHER SURVEILLANCE
7 EQUIPMENT OR INTERCEPTING AND TRACKING DEVICES,
8 OR WITH THE USE OF ANY OTHER SUITABLE WAYS AND
9 MEANS FOR THAT PURPOSE, ANY COMMUNICATIONS,
10 CONVERSATIONS, DISCUSSIONS, DATA, INFORMATION, OR
11 MESSAGES, SPOKEN OR WRITTEN INVOLVING AT LEAST ONE
12 PERSON CHARGED WITH OR SUSPECTED OF TRAFFICKING
13 IN PERSONS.

14

15 I. FORMAL APPLICATION FOR JUDICIAL
16 AUTHORIZATION. – THE CHIEF OF THE PHILIPPINE
17 NATIONAL POLICE OR THE DIRECTOR OF THE
18 NATIONAL BUREAU OF INVESTIGATION OR ANY OF
19 THEIR DULY AUTHORIZED REPRESENTATIVES, WHO
20 HAS BEEN DULY AUTHORIZED BY THE DEPARTMENT OF
21 JUSTICE IN WRITING, MAY SUBMIT EX PARTE
22 APPLICATIONS FOR THE ISSUANCE OF WRITTEN
23 ORDERS FROM THE REGIONAL TRIAL COURT, TO
24 TRACK DOWN, INTERCEPT AND RECORD, ANY
25 COMMUNICATIONS, CONVERSATIONS, DISCUSSIONS,
26 DATA, INFORMATION, OR MESSAGES, SPOKEN OR
27 WRITTEN, UPON EXAMINATION UNDER OATH OF THE
28 APPLICANT AND THE WITNESSES HE MAY PRODUCE TO
29 ESTABLISH THAT THERE IS PROBABLE CAUSE TO
30 BELIEVE BASED ON PERSONAL KNOWLEDGE OF FACTS

1 OR CIRCUMSTANCES THAT: (A) THE CRIME OF
2 TRAFFICKING HAS BEEN COMMITTED, OR IS BEING
3 COMMITTED, OR IS ABOUT TO BE COMMITTED; (B)
4 EVIDENCE, WHICH IS ESSENTIAL TO THE CONVICTION
5 OF ANY CHARGED OR SUSPECTED PERSON FOR, OR TO
6 THE SOLUTION OR PREVENTION OF, ANY SUCH
7 CRIMES, WILL BE OBTAINED; AND, (C) THAT THERE IS
8 NO OTHER EFFECTIVE MEANS READILY AVAILABLE FOR
9 ACQUIRING SUCH EVIDENCE.

10

11 II. CLASSIFICATION AND CONTENT OF THE ORDER OF THE
12 COURT. – THE ORIGINAL APPLICATION FOR
13 AUTHORITY TO TRACK DOWN, INTERCEPT AND
14 RECORD, INCLUDING HIS APPLICATION TO EXTEND
15 OR RENEW, IF ANY, THE WRITTEN ORDER GRANTED BY
16 THE COURT, AND ANY SUCH ORDER TO EXTEND OR
17 RENEW THE SAME SHALL BE DEEMED, AND ARE
18 HEREBY DECLARED, AS CLASSIFIED INFORMATION:
19 PROVIDED, THAT THE PERSON BEING SURVEILLED OR
20 WHOSE COMMUNICATIONS, LETTERS, PAPERS,
21 MESSAGES, CONVERSATIONS, DISCUSSIONS, SPOKEN
22 OR WRITTEN WORDS AND EFFECTS HAVE BEEN
23 MONITORED, LISTENED TO, BUGGED OR RECORDED BY
24 LAW ENFORCEMENT AUTHORITIES HAS THE RIGHT TO
25 BE INFORMED OF THE ACTS DONE BY THE LAW
26 ENFORCEMENT AUTHORITIES IN THE PREMISES OR TO
27 CHALLENGE, IF HE OR SHE INTENDS TO DO SO, THE
28 LEGALITY OF THE INTERFERENCE BEFORE THE COURT
29 WHICH ISSUED THE WRITTEN ORDER.

1 THE WRITTEN ORDER OF THE COURT AUTHORIZING
2 THE TRACK DOWN, INTERCEPTION AND RECORDING,
3 SHALL SPECIFY THE FOLLOWING: (A) THE IDENTITY,
4 SUCH AS NAME AND ADDRESS, IF KNOWN, OF THE
5 CHARGED OR SUSPECTED PERSON WHOSE
6 COMMUNICATIONS, MESSAGES, CONVERSATIONS,
7 DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS ARE
8 TO BE TRACKED DOWN, TAPPED, LISTENED TO,
9 INTERCEPTED, AND RECORDED AND, IN THE CASE OF
10 RADIO, ELECTRONIC, OR TELEPHONIC (WHETHER
11 WIRELESS OR OTHERWISE) COMMUNICATIONS,
12 MESSAGES, CONVERSATIONS, DISCUSSIONS, OR
13 SPOKEN OR WRITTEN WORDS, THE ELECTRONIC
14 TRANSMISSION SYSTEMS OR THE TELEPHONE
15 NUMBERS TO BE TRACKED DOWN, TAPPED, LISTENED
16 TO, INTERCEPTED, AND RECORDED AND THEIR
17 LOCATIONS, OR IF THE PERSON SUSPECTED OF THE
18 CRIME IS NOT FULLY KNOWN, SUCH PERSON SHALL BE
19 SUBJECT TO CONTINUOUS SURVEILLANCE PROVIDED
20 THERE IS A REASONABLE GROUND TO DO SO; (B) THE
21 IDENTITY (NAME, ADDRESS, AND THE POLICE OR LAW
22 ENFORCEMENT ORGANIZATION) OF THE POLICE OR OF
23 THE LAW ENFORCEMENT OFFICIAL, INCLUDING THE
24 INDIVIDUAL IDENTITY (NAMES, ADDRESSES, AND THE
25 POLICE OR LAW ENFORCEMENT ORGANIZATION) OF
26 THE MEMBERS OF HIS TEAM, JUDICIALLY AUTHORIZED
27 TO TRACK DOWN, TAP, LISTEN TO, INTERCEPT, AND
28 RECORD THE COMMUNICATIONS, MESSAGES,
29 CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR
30 WRITTEN WORDS; (C) THE OFFENSE OR OFFENSES
31 COMMITTED, OR BEING COMMITTED, OR SOUGHT TO

1 BE PREVENTED; AND, (D) THE LENGTH OF TIME
2 WITHIN WHICH THE AUTHORIZATION SHALL BE USED
3 OR CARRIED OUT.

4

5 III. EFFECTIVE PERIOD OF JUDICIAL AUTHORIZATION. –
6 ANY AUTHORIZATION GRANTED BY THE COURT
7 PURSUANT TO THIS SECTION SHALL ONLY BE
8 EFFECTIVE FOR THE LENGTH OF TIME SPECIFIED IN
9 THE WRITTEN ORDER OF THE COURT, WHICH SHALL
10 NOT EXCEED A PERIOD OF THIRTY (30) DAYS FROM
11 THE DATE OF RECEIPT BY THE APPLICANT POLICE OR
12 LAW ENFORCEMENT OFFICIAL OF THE WRITTEN
13 ORDER.

14

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

26

27 IN CASE OF DEATH OF THE ORIGINAL APPLICANT, OR
28 IN CASE HE IS PHYSICALLY DISABLED TO FILE THE
29 APPLICATION FOR EXTENSION OR RENEWAL, THE ONE
30 NEXT IN RANK TO THE ORIGINAL APPLICANT AMONG
31 THE MEMBERS OF THE TEAM NAMED IN THE ORIGINAL

1 WRITTEN ORDER OF THE COURT SHALL FILE THE
2 APPLICATION FOR EXTENSION OR RENEWAL:
3 PROVIDED, THE APPLICANT POLICE OR LAW
4 ENFORCEMENT OFFICIAL SHALL HAVE THIRTY (30)
5 DAYS AFTER THE TERMINATION OF THE PERIOD
6 GRANTED BY THE REGIONAL TRIAL COURT AS
7 PROVIDED IN THE PRECEDING PARAGRAPHS WITHIN
8 WHICH TO FILE THE APPROPRIATE CASE BEFORE THE
9 PUBLIC PROSECUTOR'S OFFICE FOR ANY VIOLATION
10 OF THIS ACT.

11
12 IF NO CASE IS FILED WITHIN THE THIRTY (30)-DAY
13 PERIOD, THE APPLICANT POLICE OR LAW
14 ENFORCEMENT OFFICIAL SHALL, WITHIN THIRTY (30)
15 DAYS FROM THE EXPIRATION OF THE SAID THIRTY
16 (30)-DAY PERIOD, NOTIFY THE PERSON SUBJECT OF
17 THE SURVEILLANCE THAT HE OR SHE WAS THE
18 SUBJECT OF SURVEILLANCE, INTERCEPTION AND
19 RECORDING, AND THE TERMINATION THEREOF.
20 FAILURE TO NOTIFY THE SURVEILLED WITHIN THE
21 REQUIRED PERIOD SHALL BE PENALIZED UNDER
22 SECTION 10(g) OF THIS ACT.

23
24 IV. CUSTODY OF INTERCEPTED AND RECORDED
25 COMMUNICATIONS. - ALL TAPES, DISCS, AND
26 RECORDINGS MADE PURSUANT TO THIS SECTION,
27 INCLUDING ALL EXCERPTS AND SUMMARIES THEREOF
28 AS WELL AS ALL WRITTEN NOTES OR MEMORANDA
29 MADE IN CONNECTION THEREWITH, SHALL, WITHIN
30 FORTY-EIGHT (48) HOURS AFTER THE EXPIRATION OF
31 THE PERIOD FIXED IN THE WRITTEN ORDER, OR

1 WITHIN FORTY-EIGHT (48) HOURS AFTER THE
2 EXPIRATION OF ANY EXTENSION OR RENEWAL, BE
3 DEPOSITED WITH THE COURT GRANTING THE
4 AUTHORITY IN A SEALED ENVELOPE OR SEALED
5 PACKAGE, AS THE CASE MAY BE, AND SHALL BE
6 ACCOMPANIED BY A JOINT AFFIDAVIT OF THE
7 APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL
8 AND THE MEMBERS OF HIS TEAM. IN CASE OF DEATH
9 OF THE APPLICANT OR IN CASE HE IS PHYSICALLY
10 DISABLED TO EXECUTE THE REQUIRED AFFIDAVIT, THE
11 ONE NEXT IN RANK TO THE APPLICANT AMONG THE
12 MEMBERS OF THE TEAM NAMED IN THE WRITTEN
13 ORDER SHALL EXECUTE WITH THE MEMBERS OF THE
14 TEAM THAT REQUIRED AFFIDAVIT. IT SHALL BE
15 UNLAWFUL FOR ANY PERSON, POLICE OFFICER OR
16 ANY CUSTODIAN OF THE TAPES, DISCS AND
17 RECORDING, AND THEIR EXCERPTS AND SUMMARIES,
18 WRITTEN NOTES OR MEMORANDA TO COPY IN
19 WHATEVER FORM, TO REMOVE, DELETE, EXPUNGE,
20 INCINERATE, SHRED OR DESTROY IN ANY MANNER
21 THE ITEMS ENUMERATED ABOVE IN WHOLE OR IN
22 PART UNDER ANY PRETEXT WHATSOEVER.

23
24 V. CONTENTS OF JOINT AFFIDAVIT. — THE JOINT
25 AFFIDAVIT OF THE POLICE OR OF THE LAW
26 ENFORCEMENT OFFICIAL AND THE INDIVIDUAL
27 MEMBERS OF HIS TEAM SHALL STATE: (A) THE NUMBER
28 OF TAPES, DISCS, AND RECORDINGS THAT HAVE BEEN
29 MADE, AS WELL AS THE NUMBER OF EXCERPTS AND
30 SUMMARIES THEREOF AND THE NUMBER OF WRITTEN
31 NOTES AND MEMORANDA, IF ANY, MADE IN

1 CONNECTION THEREWITH; (B) THE DATES AND TIMES
2 COVERED BY EACH OF SUCH TAPES, DISCS, AND
3 RECORDINGS; (C) THE NUMBER OF TAPES, DISCS, AND
4 RECORDINGS, AS WELL AS THE NUMBER OF EXCERPTS
5 AND SUMMARIES THEREOF AND THE NUMBER OF
6 WRITTEN NOTES AND MEMORANDA MADE IN
7 CONNECTION THEREWITH THAT HAVE BEEN INCLUDED
8 IN THE DEPOSIT; AND (D) THE DATE OF THE ORIGINAL
9 WRITTEN AUTHORIZATION GRANTED BY THE
10 DEPARTMENT OF JUSTICE TO THE APPLICANT TO FILE
11 THE EX PARTE APPLICATION TO CONDUCT THE
12 TRACKING DOWN, TAPPING, INTERCEPTING, AND
13 RECORDING, AS WELL AS THE DATE OF ANY
14 EXTENSION OR RENEWAL OF THE ORIGINAL WRITTEN
15 AUTHORITY GRANTED BY THE COURT.

16

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

30

1 **VI. DISPOSITION OF DEPOSITED MATERIAL.** –THE SEALED
2 ENVELOPE OR SEALED PACKAGE AND THE CONTENTS
3 THEREOF, WHICH ARE DEPOSITED WITH THE
4 AUTHORIZING COURT, SHALL BE DEEMED AND ARE
5 HEREBY DECLARED CLASSIFIED INFORMATION, AND
6 THE SEALED ENVELOPE OR SEALED PACKAGE SHALL
7 NOT BE OPENED AND ITS CONTENTS (INCLUDING THE
8 TAPES, DISCS, AND RECORDINGS AND ALL THE
9 EXCERPTS AND SUMMARIES THEREOF AND THE NOTES
10 AND MEMORANDA MADE IN CONNECTION
11 THEREWITH) SHALL NOT BE DIVULGED, REVEALED,
12 READ, REPLAYED, OR USED AS EVIDENCE UNLESS
13 AUTHORIZED BY WRITTEN ORDER OF THE
14 AUTHORIZING COURT. FOR THIS PURPOSE, THE
15 DEPARTMENT OF JUSTICE SHALL FILE A WRITTEN
16 APPLICATION TO OPEN THE SEALED ENVELOPE OR
17 SEALED PACKAGE BEFORE THE AUTHORIZING COURT,
18 WITH PROPER WRITTEN NOTICE TO THE PERSON
19 WHOSE CONVERSATION, COMMUNICATION, MESSAGE
20 DISCUSSION OR SPOKEN OR WRITTEN WORDS HAVE
21 BEEN THE SUBJECT OF SURVEILLANCE, MONITORING,
22 RECORDING AND INTERCEPTION, TO OPEN, REVEAL,
23 DIVULGE, AND USE THE CONTENTS OF THE SEALED
24 ENVELOPE OR SEALED PACKAGE AS EVIDENCE.
25

26 THE WRITTEN APPLICATION WITH NOTICE TO THE
27 PARTY CONCERNED TO OPEN THE DEPOSITED SEALED
28 ENVELOPE OR SEALED PACKAGE SHALL CLEARLY STATE
29 THE PURPOSE OR REASON: (A) FOR OPENING THE
30 SEALED ENVELOPE OR SEALED PACKAGE; (B) FOR
31 REVEALING OR DISCLOSING ITS CLASSIFIED

1 CONTENTS; (C) FOR REPLAYING, DIVULGING, AND OR
2 READING ANY OF THE LISTENED TO, INTERCEPTED,
3 AND RECORDED COMMUNICATIONS, MESSAGES,
4 CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR
5 WRITTEN WORDS (INCLUDING ANY OF THE EXCERPTS
6 AND SUMMARIES THEREOF AND ANY OF THE NOTES OR
7 MEMORANDA MADE IN CONNECTION THEREWITH);
8 AND, (D) FOR USING ANY OF SAID LISTENED TO,
9 INTERCEPTED, AND RECORDED COMMUNICATIONS,
10 MESSAGES, CONVERSATIONS, DISCUSSIONS, OR
11 SPOKEN OR WRITTEN WORDS (INCLUDING ANY OF
12 THE EXCERPTS AND SUMMARIES THEREOF AND ANY OF
13 THE NOTES OR MEMORANDA MADE IN CONNECTION
14 THEREWITH) AS EVIDENCE.

15

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

30

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

5

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

11

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

15

16 **"SECTION 8-A. DUTIES OF AN INTERNET SERVICE PROVIDER
17 (ISP). – ALL INTERNET SERVICE PROVIDERS (ISPS) SHALL
18 NOTIFY THE PHILIPPINE NATIONAL POLICE (PNP) OR THE
19 NATIONAL BUREAU OF INVESTIGATION (NBI) WITHIN
20 SEVEN (7) DAYS FROM OBTAINING FACTS AND
21 CIRCUMSTANCES THAT ANY FORM OF CHILD TRAFFICKING,
22 CHILD PORNOGRAPHY, OR ANY FORM SEXUAL
23 EXPLOITATION OF CHILDREN IS BEING COMMITTED USING
24 ITS SERVER OR FACILITY. NOTHING IN THIS SECTION MAY
25 BE CONSTRUED TO REQUIRE AN ISP TO ENGAGE IN THE
26 MONITORING OF ANY USER, SUBSCRIBER OR CUSTOMER,
27 OR THE CONTENT OF ANY COMMUNICATION OF ANY SUCH
28 PERSON: PROVIDED, THAT NO ISP SHALL BE HELD CIVILLY**

1 **LIABLE FOR DAMAGES ON ACCOUNT OF ANY NOTICE GIVEN**
2 **IN GOOD FAITH IN COMPLIANCE WITH THIS SECTION.**

3
4 **"FURTHERMORE, AN ISP SHALL PRESERVE SUCH EVIDENCE**
5 **FOR PURPOSE OF INVESTIGATION AND PROSECUTION BY**
6 **RELEVANT AUTHORITIES.**

7
8 **"AN ISP SHALL, UPON THE REQUEST OF PROPER**
9 **AUTHORITIES, FURNISH THE PARTICULARS OF USERS WHO**
10 **GAINED OR ATTEMPTED TO GAIN ACCESS TO AN INTERNET**
11 **ADDRESS WHICH CONTAINS ANY FORM OF CHILD**
12 **TRAFFICKING, CHILD PORNOGRAPHY OR ANY FORM OF**
13 **SEXUAL EXPLOITATION OF CHILDREN.**

14
15 **"ALL ISPS SHALL INSTALL AVAILABLE TECHNOLOGY,**
16 **PROGRAM OR SOFTWARE TO ENSURE THAT ACCESS TO OR**
17 **TRANSMITTAL OF ANY FORM OF CHILD PORNOGRAPHY WILL**
18 **BE BLOCKED OR FILTERED.**

19
20 **"AN ISP WHO SHALL KNOWINGLY, WILLFULLY AND**
21 **INTENTIONALLY VIOLATE THIS PROVISION SHALL BE**
22 **SUBJECT TO THE PENALTY PROVIDED UNDER SECTION 10(H)**
23 **OF THIS ACT.**

24
25 **"THE DEPARTMENT OF JUSTICE (DOJ), WITH THE NATIONAL**
26 **TELECOMMUNICATIONS COMMISSION (NTC), AND SUCH**
27 **OTHER RELEVANT GOVERNMENT AGENCIES, SHALL**
28 **PROMULGATE WITHIN NINETY (90) DAYS FROM THE**

1 EFFECTIVITY OF THIS ACT THE NECESSARY RULES AND
2 REGULATIONS FOR THE IMPLEMENTATION OF THIS
3 PROVISION WHICH SHALL INCLUDE, AMONG OTHERS, THE
4 INSTALLATION OF FILTERING SOFTWARE THAT WILL BLOCK
5 ACCESS TO OR TRANSMISSION OF ANY FORM OF CHILD
6 TRAFFICKING, CHILD PORNOGRAPHY, OR SEXUAL
7 EXPLOITATION OF CHILDREN.

8

9 "SECTION 8-B. RESPONSIBILITY OF TOURISM-ORIENTED
10 ESTABLISHMENTS INCLUDING HOTELS, RESORTS, INNS,
11 MOTELS, AND OTHER RELATED FACILITIES AND SERVICES. –
12 ALL TOURISM-ORIENTED ESTABLISHMENTS INCLUDING
13 HOTELS, RESORTS, INNS, MOTELS, AND OTHER RELATED
14 FACILITIES AND SERVICES SHALL NOTIFY THE PNP OR THE
15 NBI WITHIN SEVEN (7) DAYS FROM OBTAINING FACTS AND
16 CIRCUMSTANCES THAT CHILD TRAFFICKING, CHILD
17 PORNOGRAPHY, OR SEXUAL EXPLOITATION OF CHILDREN IS
18 BEING COMMITTED IN THEIR PREMISES. PROVIDED, THAT
19 PUBLIC DISPLAY OF ANY FORM OF CHILD PORNOGRAPHY
20 WITHIN THEIR PREMISES IS A CONCLUSIVE PRESUMPTION
21 OF THE KNOWLEDGE OF THE OWNERS/OPERATORS AND
22 OWNERS OR LESSORS OF BUSINESS ESTABLISHMENTS OF
23 THE VIOLATION OF THIS ACT: PROVIDED, FURTHER, THAT A
24 DISPUTABLE PRESUMPTION OF KNOWLEDGE BY
25 OWNERS/OPERATORS AND OWNERS OR LESSORS OF
26 BUSINESS ESTABLISHMENTS SHOULD KNOW OR
27 REASONABLY KNOW THAT A VIOLATION OF THIS ACT IS
28 BEING COMMITTED IN THEIR PREMISES.

29

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

9

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

15

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

26

27 "THE IACAT, WITH THE DEPARTMENT OF TOURISM AND
28 SUCH OTHER RELEVANT GOVERNMENT AGENCIES, SHALL
29 PROMULGATE WITHIN NINETY (90) DAYS FROM THE

1 **EFFECTIVITY OF THIS ACT THE NECESSARY RULES AND**
2 **REGULATIONS FOR THE IMPLEMENTATION OF THIS**
3 **PROVISION.**

4

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

8

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

11

12 "Section 10. Penalties and Sanctions. – The following penalties and
13 sanctions are hereby established for the offenses enumerated in this
14 Act:

15

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

20

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

26

27 "(c) Any person found guilty of Section 4-B of this Act shall suffer the
28 penalty of imprisonment of fifteen (15) years and a fine of not less

1 than Five hundred thousand pesos (P500,000.00) but not more than
2 One million pesos (P1,000,000.00);

3
4 "In every case, conviction shall cause and carry the automatic
5 revocation of the license or registration of the recruitment agency
6 involved in trafficking. The license of a recruitment agency which
7 trafficked a child shall be automatically revoked.

8
9 "(d) Any person found, guilty of committing any of the acts
10 enumerated in Section 5 shall suffer the penalty of imprisonment of
11 fifteen (15) years and a fine of not less than Five hundred thousand
12 pesos (P500,000.00) but not more than One million pesos
13 (P1,000,000.00);

14
15 "(e) Any person found guilty of qualified trafficking under Section 6
16 shall suffer the penalty of life imprisonment and a fine of not less than
17 Two million pesos (P2,000,000.00) but not more than Five million
18 pesos (P5,000,000.00);

19
20 "(f) Any person who violates Section 7 hereof shall suffer the penalty
21 of imprisonment of six (6) years and a fine of not less than Five
22 hundred thousand pesos (P500,000.00) but not more than One million
23 pesos (P1,000,000.00);

24
25 "**(G) ANY APPLICANT POLICE OR LAW ENFORCEMENT**
26 **OFFICIAL AND THE MEMBERS OF HIS TEAM AUTHORIZED**
27 **TRACK DOWN, INTERCEPT AND RECORD, ANY**
28 **COMMUNICATIONS, CONVERSATIONS, DISCUSSIONS, DATA,**

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

4

5 I. THE PENALTY OF TEN (10) YEARS AND ONE (1) DAY TO
6 TWELVE (12) YEARS OF IMPRISONMENT SHALL BE
7 IMPOSED UPON THE APPLICANT POLICE OR LAW
8 ENFORCEMENT OFFICIAL WHO FAILS TO NOTIFY THE
9 PERSON SUBJECT OF THE SURVEILLANCE,
10 MONITORING, INTERCEPTION AND RECORDING
11 UNDER SUB-SECTION III THEREOF;

12

13 II. THE PENALTY OF NOT LESS THAN SIX (6) YEARS AND
14 ONE (1) DAY TO TWELVE (12) YEARS OF
15 IMPRISONMENT SHALL BE IMPOSED ANY PERSON
16 WHO COPIES IN WHATEVER FORM, REMOVES,
17 DELETES, EXPUNGES, INCINERATES, SHREDS OR
18 DESTROYS THE TAPES, DISCS AND RECORDING, AND
19 THEIR EXCERPTS AND SUMMARIES, WRITTEN NOTES
20 OR MEMORANDA MADE IN CONNECTION WITH THE
21 AUTHORIZED INTERCEPTION AND RECORDING UNDER
22 SUB-SECTION IV THEREOF;

23

24 III. THE PENALTY OF NOT LESS THAN TEN (10) YEARS AND
25 ONE (1) DAY TO TWELVE (12) YEARS OF
26 IMPRISONMENT SHALL BE IMPOSED ON ANY PERSON,
27 POLICE OR LAW ENFORCEMENT OFFICER WHO OMIT
28 OR EXCLUDE FROM THE JOINT AFFIDAVIT ANY ITEM

1 **OR PORTION THEREOF MENTIONED IN SUB-SECTION V**
2 **THEREOF;**

3
4 **IV. THE PENALTY OF SIX (6) YEARS AND ONE (1) DAY TO**
5 **EIGHT (8) YEARS OF IMPRISONMENT SHALL BE**
6 **IMPOSED ON ANY PERSON WHO VIOLATES HIS OR HER**
7 **DUTY TO NOTIFY IN WRITING THE PERSONS SUBJECT**
8 **OF THE SURVEILLANCE UNDER SUB-SECTION VI**
9 **THEREOF;**

10
11 **V. THE PENALTY OF TEN (10) YEARS AND ONE (1) DAY TO**
12 **TWELVE (12) YEARS OF IMPRISONMENT SHALL BE**
13 **IMPOSED ON ANY POLICE OR LAW ENFORCEMENT**
14 **OFFICIAL WHO, WITHOUT AUTHORITY FROM THE**
15 **COURT TRACKS DOWN, TAPS, LISTENS TO,**
16 **INTERCEPTS, AND RECORDS IN WHATEVER MANNER**
17 **OR FORM ANY COMMUNICATION, MESSAGE,**
18 **CONVERSATION, DISCUSSION, OR SPOKEN OR**
19 **WRITTEN WORD OF A PERSON CHARGED WITH OR**
20 **SUSPECTED OF CHILD TRAFFICKING UNDER THIS ACT;**

21
22 **VI. IN ADDITION TO THE LIABILITY OF THE OFFENDER**
23 **FOR THE COMMISSION OF ANY OTHER OFFENSE, THE**
24 **PENALTY OF TEN (10) YEARS AND ONE (1) DAY TO**
25 **TWELVE (12) YEARS OF IMPRISONMENT AND THE**
26 **ACCESSORY PENALTY OF PERPETUAL ABSOLUTE**
27 **DISQUALIFICATION FROM PUBLIC OFFICE SHALL BE**
28 **IMPOSED UPON ANY POLICE OR LAW ENFORCEMENT**
29 **PERSONNEL WHO MALICIOUSLY OBTAINED AN**

1 AUTHORITY TO TRACK DOWN, TAP, LISTEN TO,
2 INTERCEPT, AND RECORD IN WHATEVER MANNER OR
3 FORM ANY COMMUNICATION, MESSAGE,
4 CONVERSATION, DISCUSSION, OR SPOKEN OR
5 WRITTEN WORDS OF A PERSON CHARGED WITH OR
6 SUSPECTED OF CHILD TRAFFICKING UNDER THIS ACT;
7 FURTHER, THE PARTY AGGRIEVED BY SUCH
8 AUTHORIZATION SHALL BE ALLOWED ACCESS TO THE
9 SEALED ENVELOPE OR SEALED PACKAGE AND THE
10 CONTENTS THEREOF AS EVIDENCE FOR THE
11 PROSECUTION OF ANY POLICE OR LAW ENFORCEMENT
12 PERSONNEL WHO MALICIOUSLY PROCURED SAID
13 AUTHORIZATION.

14

15 "(H) ANY ISP FOUND GUILTY OF WILLFULLY AND
16 KNOWINGLY FAILING TO COMPLY WITH THE NOTICE AND
17 INSTALLATION REQUIREMENTS UNDER SECTION 8-A OF
18 THIS ACT SHALL SUFFER THE PENALTY OF A FINE OF NOT
19 LESS THAN FIVE HUNDRED THOUSAND PESOS
20 (PHP500,000.00) BUT NOT MORE THAN ONE MILLION PESOS
21 (PHP1,000,000.00) FOR THE FIRST OFFENSE. IN CASE OF
22 SUBSEQUENT OFFENSE, THE PENALTY SHALL BE A FINE OF
23 NOT LESS THAN ONE MILLION PESOS (PHP1,000,000.00)
24 BUT NOT MORE THAN TWO MILLION PESOS
25 (PHP2,000,000.00) AND REVOCATION OF ITS LICENSE TO
26 OPERATE;

27

28 "(I) ANY TOURISM-ORIENTED ESTABLISHMENTS
29 INCLUDING HOTELS, RESORTS, INNS, MOTELS, AND OTHER
30 RELATED FACILITIES AND SERVICES WHO WILLFULLY AND

1 **KNOWINGLY FAIL TO COMPLY WITH THE NOTICE AND**
2 **TRAINING REQUIREMENTS UNDER SECTION 8-B OF THIS**
3 **ACT SHALL SUFFER THE PENALTY OF A FINE OF NOT LESS**
4 **THAN FIVE HUNDRED THOUSAND PESOS (PHP500,000.00)**
5 **BUT NOT MORE THAN ONE MILLION PESOS**
6 **(PHP1,000,000.00) FOR THE FIRST OFFENSE. IN CASE OF**
7 **SUBSEQUENT OFFENSE, THE PENALTY SHALL BE A FINE OF**
8 **NOT LESS THAN ONE MILLION PESOS (PHP1,000,000.00)**
9 **BUT NOT MORE THAN TWO MILLION PESOS**
10 **(PHP2,000,000.00) AND REVOCATION OF ITS LICENSE TO**
11 **OPERATE AND IMMEDIATE CLOSURE OF THE**
12 **ESTABLISHMENT; AND**

13

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

19

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

27

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

4

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

17

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

21

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

24

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

1 "(a) Department of Foreign Affairs (DFA) – shall make available its
2 resources and facilities overseas for trafficked persons regardless of
3 their manner of entry to the receiving country, and explore means to
4 further enhance its assistance in eliminating trafficking activities
5 through closer networking with government agencies in the country
6 and overseas, particularly in the formulation of policies and
7 implementation of relevant programs. It shall provide Filipino victims
8 of trafficking overseas with free legal assistance and counsel to pursue
9 legal action against his or her traffickers, represent his or her interests
10 in any criminal investigation or prosecution, and assist in the
11 application for social benefits and/or regular immigration status as
12 may be allowed or provided for by the host country. The DFA shall
13 repatriate trafficked Filipinos with the consent of the victims. (a)

14

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

20

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

26

27 "(b) Department of Social Welfare and Development (DSWD) – shall
28 implement rehabilitative and protective programs for trafficked
29 persons. It shall provide counseling and temporary shelter to

1 trafficked persons and develop a system for accreditation among
2 NGOs for purposes of establishing centers and programs for
3 intervention in various levels of the community. It shall establish free
4 temporary shelters, for the protection and housing of trafficked
5 persons to provide the following basic services to trafficked persons:
6 (a)

- 7
- 8 (1) Temporary housing and food facilities; (n)
 - 9 (2) Psychological support and counseling; (n)
 - 10 (3) 24-hour call center for crisis calls and technology-based
11 counseling and referral system; (n)
 - 12 (4) Coordination with local law enforcement entities; and (n)
 - 13 (5) Coordination with the Department of Justice, among others.
14 (n)

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

22

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

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

7
8 "(e) Philippine Commission on Women (PCW) – shall actively
9 participate and coordinate in the formulation and monitoring of
10 policies addressing the issue of trafficking in persons in coordination
11 with relevant government agencies. It shall likewise advocate for the
12 inclusion of the issue of trafficking in persons in both its local and
13 international advocacy for women's issues. (a)

14
15 "(f) Bureau of Immigration (BI) – shall strictly administer and enforce
16 immigration and alien administration laws. It shall adopt measures for
17 the apprehension of suspected traffickers both at the place of arrival
18 and departure and shall ensure compliance by the Filipino
19 fiancés/fiancées and spouses of foreign nationals with the guidance
20 and counseling requirement as provided for in this Act.

21
22 "(g) Philippine National Police (PNP) and National Bureau of
23 Investigation (NBI) – shall be the primary law enforcement agencies
24 to undertake surveillance, investigation and arrest of individuals or
25 persons suspected to be engaged in trafficking. They shall closely
26 coordinate with each other and with other law enforcement agencies
27 to secure concerted efforts for effective investigation and
28 apprehension of suspected traffickers. They shall also establish a

1 system to receive complaints and calls to assist trafficked persons and
2 conduct rescue operations. (a)

3

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

10

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

22

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

26

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

1
2 "The license or registration of a recruitment agency that has been
3 blacklisted may be suspended by the POEA upon a review of the
4 complaints filed against said agency. (n)

5
6 "(i) Department of the Interior and Local Government (DILG) – shall
7 institute a systematic information and prevention campaign in
8 coordination with pertinent agencies of government as provided for in
9 this Act. It shall provide training programs to local government units,
10 in coordination with the Council, in ensuring wide understanding and
11 application of this Act at the local level. (a)

12
13 "(j) Commission on Filipinos Overseas – shall conduct pre-departure
14 counseling services for Filipinos in intermarriages. It shall develop a
15 system for accreditation of NGOs that may be mobilized for purposes
16 of conducting pre-departure counseling services for Filipinos in
17 intermarriages. As such, it shall ensure that the counselors
18 contemplated under this Act shall have the minimum qualifications and
19 training of guidance counselors as provided for by law. (n)

20
21 "It shall likewise assist in the conduct of information campaigns
22 against trafficking in coordination with local government units, the
23 Philippine Information Agency, and NGOs. (n)

24
25 **"(K) DEPARTMENT OF HEALTH (DOH) – SHALL DEVELOP A**
26 **COMPREHENSIVE PROGRAM TO PREVENT THE TRAFFICKING**
27 **OF HUMAN ORGANS. IT SHALL ALSO UNDERTAKE**
28 **ACTIVITIES TO INCREASE PUBLIC AWARENESS ON ORGAN**
29 **TRAFFICKING, WHICH MAY INCLUDE, BUT NOT LIMITED TO,**

1 MEDICAL PRACTITIONER, FAMILY AND PATIENT
2 INFORMATION AND EDUCATION, PUBLIC EDUCATION AND
3 ADVOCACY CAMPAIGN; AND SHALL RENDER ASSISTANCE
4 IN THE INVESTIGATION AND PROSECUTION OF ORGAN
5 TRAFFICKING.

6

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

16

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

1 **"(N) OVERSEAS WORKERS WELFARE ADMINISTRATION**
2 **(OWWA) – SHALL PROVIDE WELFARE PROGRAMS AND**
3 **SERVICES THAT RESPOND TO THE NEEDS OF ITS MEMBER-**
4 **OFWS, INCLUDING THEIR FAMILIES, WHO HAVE BECOME**
5 **VICTIMS OF TRAFFICKING IN PERSONS. THE SERVICES TO**
6 **THE OFWS SHALL INCLUDE SOCIAL ASSISTANCE,**
7 **EDUCATION AND TRAINING, CULTURAL SERVICES,**
8 **FINANCIAL MANAGEMENT, REINTEGRATION, AND**
9 **ENTREPRENEURIAL DEVELOPMENT SERVICES. IT SHALL**
10 **LIKEWISE PROVIDE PROMPT AND APPROPRIATE RESPONSE**
11 **IN REPATRIATION OF OFWS WHO ARE VICTIMS OF**
12 **TRAFFICKING IN PERSONS.**

13
14 "(o) Local government units (LGUs) – shall monitor and document
15 cases of trafficking in persons in their areas of jurisdiction, effect the
16 cancellation of licenses of establishments which violate the provisions
17 of this Act and ensure effective prosecution of such cases. They shall
18 also undertake an information campaign against trafficking in persons
19 through the establishment of the Migrants Advisory and Information
20 Network (MAIN) desks in municipalities or provinces in coordination
21 with the DILG, Philippine Information Agency (PIA), Commission on
22 Filipinos Overseas (CFO), NGOs and other concerned agencies. They
23 shall encourage and support community-based initiatives which
24 address the trafficking in persons.

25
26 "In implementing this Act, the agencies concerned may seek and enlist
27 the assistance of NGOs, people's organizations (POs), civic
28 organizations and other volunteer groups.

1 Section 4. Section 20 of Republic Act No. 9208 is hereby amended to read
2 as follows:

3

4 "Section 20. Inter-Agency Council Against Trafficking. – There is
5 hereby established an Inter-Agency Council Against Trafficking, to be
6 composed of the Secretary of the Department of Justice as
7 Chairperson and the Secretary of the Department of Social Welfare
8 and Development as Co-Chairperson and shall have the following as
9 members:

10

11 "(a) Secretary, Department of Foreign Affairs;

12

13 "(b) Secretary, Department of Labor and Employment;

14

15 "(c) Secretary, Department of the Interior and Local Government;

16

17 **"(D) SECRETARY, DEPARTMENT OF HEALTH;**

18

19 **"(E) SECRETARY, DEPARTMENT OF INFORMATION AND**
20 **COMMUNICATIONS TECHNOLOGY;**

21

22 **"(F) SECRETARY, DEPARTMENT OF TRANSPORTATION;**

23

24 "(g) Administrator, Philippine Overseas Employment Administration;

25

26 **"(H) ADMINISTRATOR, OVERSEAS WORKERS WELFARE**
27 **ADMINISTRATOR;**

1
2 "(i) Commissioner, Bureau of Immigration;

3
4 "(j) Chief, Philippine National Police;

5
6 "(k) Chairperson, Philippine Commission on Women;

7
8 "(l) Chairperson, Commission on Filipinos Overseas;

9
10 "(m) Executive Director, Philippine Center for Transnational Crimes;

11
12 **"(N) DIRECTOR, NATIONAL BUREAU OF INVESTIGATION;**
13 **AND**

14
15 "(o) Three (3) representatives from NGOs, who shall include one (1)
16 representative each from among the sectors representing women,
17 overseas Filipinos, and children, with a proven record of involvement
18 in the prevention and suppression of trafficking in persons. These
19 representatives shall be nominated by the government agency
20 representatives of the Council, for appointment by the President for a
21 term of three (3) years.

22
23 "The members of the council may designate their permanent
24 representatives who shall have a rank not lower than an assistant
25 secretary or its equivalent to meetings, and shall receive emoluments
26 as may be determined by the Council in accordance with existing
27 budget and accounting rules and regulations."

1

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

4

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

7

8 "(a) Formulate a comprehensive and integrated program to prevent
9 and suppress the trafficking in persons;

10

11 "(b) Promulgate rules and regulations as may be necessary for the
12 effective implementation of this Act;

13

14 "(c) Monitor and oversee the strict implementation of this Act;

15

16 "(d) Coordinate the programs and projects of the various member
17 agencies to effectively address the issues and problems attendant to
18 trafficking in persons;

19

20 "(e) Coordinate the conduct of massive information dissemination and
21 campaign on the existence of the law and the various issues and
22 problems attendant to trafficking through the LGUs, concerned
23 agencies, and NGOs;

24

25 "(f) Direct other agencies to immediately respond to the problems
26 brought to their attention and report to the Council on action taken;

27

1 "(g) Assist in filing of cases against individuals, agencies, institutions
2 or establishments that violate the provisions of this Act;

3

4 "(h) Formulate a program for the reintegration of trafficked persons
5 in cooperation with DOLE, DSWD, Technical Education and Skills
6 Development Authority (TESDA), Commission on Higher Education
7 (CHED), LGUs and NGOs;

8

9 "(i) Secure from any department, bureau, office, agency, or
10 instrumentality of the government or from NGOs and other civic
11 organizations such assistance as may be needed to effectively
12 implement this Act;

13

14 "(j) Complement the shared government information system for
15 migration established under Republic Act No. 8042, otherwise known
16 as the "Migrant Workers and Overseas Filipinos Act of 1995" with data
17 on cases of trafficking in persons, and ensure that the proper agencies
18 conduct a continuing research and study on the patterns and scheme
19 of trafficking in persons which shall form the basis for policy
20 formulation and program direction;

21

22 "(k) Develop the mechanism to ensure the timely, coordinated, and
23 effective response to cases of trafficking in persons;

24

25 "(l) Recommend measures to enhance cooperative efforts and mutual
26 assistance among foreign countries through bilateral and/or
27 multilateral arrangements to prevent and suppress international
28 trafficking in persons;

1
2 "(m) Coordinate with the Department of INFORMATION AND
3 Transportation and Communications TECHNOLOGY (DOTC DICT),
4 Department of Trade and Industry (DTI), and other NGOs in
5 monitoring the promotion of advertisement of trafficking in the
6 internet;

7
8 "(n) Adopt measures and policies to protect the rights and needs of
9 trafficked persons who are foreign nationals in the Philippines;

10
11 "(o) Initiate training programs in identifying and providing the
12 necessary intervention or assistance to trafficked persons; and

13
14 "(p) Exercise all the powers and perform such other functions
15 necessary to attain the purposes and objectives of this Act."

16
17 Section 6. Section 24 of Republic Act No. 9208 is hereby amended to read
18 as follows:

19
20 "Section 24. Other Services for Trafficked Persons. -

21
22 "(a) Legal Assistance. - Trafficked persons shall be considered under
23 the category "Overseas Filipino in Distress" and may avail of the legal
24 assistance created by Republic Act No. 8042, subject to the guidelines
25 as provided by law.

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

5
6 "(c) The Country Team Approach. - The country team approach under
7 Executive Order No. 74 of 1993, shall be the operational scheme under
8 which Philippine embassies abroad shall provide protection to
9 trafficked persons insofar as the promotion of their welfare, dignity
10 and fundamental rights are concerned.

11
12 **"(D) RECOVERY AND REINTEGRATION PROGRAM FOR**
13 **TRAFFICKED PERSONS (RRPTP). – THE DSWD SHALL**
14 **IMPLEMENT A RECOVERY AND REINTEGRATION FOR**
15 **TRAFFICKED PERSONS WHICH INCLUDE A COMPREHENSIVE**
16 **PACKAGE OF SERVICES FOR INDIVIDUAL VICTIM-SURVIVOR**
17 **OF TIP, THE IMMEDIATE FAMILY AND THE COMMUNITY AT**
18 **LARGE. THE RRPTP MUST INCLUDE THE FOLLOWING MAJOR**
19 **PROGRAM COMPONENT:**

20
21 **(1) CAPABILITY ENHANCEMENT FOR SERVICE**
22 **PROVIDERS;**

23
24 **(2) DIRECT SERVICES TO TRAFFICKED PERSONS,**
25 **WHICH SHALL COVER COSTS FOR AUXILIARY**
26 **SERVICES TO VICTIMS/WITNESSES, WHICH**
27 **INCLUDES TRANSPORTATION, BOARD AND**
28 **LODGING, DOCUMENTATION AND OTHER**
29 **INCIDENTAL EXPENSES;**

1
2 **(3) UPGRADE OF TEMPORARY SHELTERS;**

3
4 **(4) IMPLEMENTATION OF THE NATIONAL**
5 **REFERRAL SYSTEM AND UPDATING AND**
6 **MAINTENANCE OF THE NATIONAL RECOVERY**
7 **AND REINTEGRATION DATABASE; AND**

8
9 **(5) ADVOCACY.**

10
11
12 **SECTION 7. *SEPARABILITY CLAUSE.* – IF ANY PORTION OR**
13 **PROVISION OF THIS ACT IS DECLARED VOID AND UNCONSTITUTIONAL,**
14 **THE REMAINING PORTION OR PROVISIONS HEREOF SHALL NOT BE**
15 **AFFECTED BY SUCH DECLARATION.**

16
17 **SECTION 8. *REPEALING CLAUSE.* – ALL LAWS, DECREES, ORDERS,**
18 **RULES AND REGULATIONS, OTHER ISSUANCES OR PARTS THEREOF**
19 **INCONSISTENT WITH THE PROVISIONS OF THIS ACT ARE HEREBY**
20 **REPEALED OR MODIFIED ACCORDINGLY.**

21
22 **SECTION 9. *EFFECTIVITY CLAUSE.* – THIS ACT SHALL TAKE EFFECT**
23 **FIFTEEN (15) DAYS AFTER ITS COMPLETE PUBLICATION IN AT LEAST**
24 **TWO (2) NATIONAL NEWSPAPERS OF GENERAL CIRCULATION.**

Approved,