



HOUSE OF REPRESENTATIVES

H. No. 6339

BY REPRESENTATIVES SARMIENTO (M.), TEVES, YAP (S.), CALIXTO-RUBIANO, CRUZ-GONZALES, PACQUIAO, BELLO, CLIMACO, RODRIGUEZ (M.), NOGRALES, DEL MAR, AUMENTADO, MARCOLETA, RODRIGUEZ (R.), SARMIENTO (C.), TEODORO, ROMUALDO, VILLARICA, TAÑADA, ANGPING, GARCIA-ALBANO AND PRIMICIAS-AGABAS, PER COMMITTEE REPORT NO. 2255

AN ACT EXPANDING REPUBLIC ACT NO. 9208, 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:

1 SECTION 1. This Act shall be known as the "Expanded Anti-
2 Trafficking in Persons Act of 2012".

3 SEC. 2. Sections 2, 3 and 4 of Republic Act No. 9208 are hereby
4 amended to read as follows:

5 "SEC. 2. *Declaration of Policy.* – It is hereby declared
6 that the State values the dignity of every human person and

1 guarantees the respect of individual rights. In pursuit of this
2 policy, the State shall give highest priority to the enactment of
3 measures and development of programs that will promote human
4 dignity, protect the people from any threat of violence and
5 exploitation, eliminate trafficking in persons, and mitigate
6 pressures for involuntary migration and servitude of persons, not
7 only to support trafficked persons but more importantly, to
8 ensure their recovery, rehabilitation and reintegration into the
9 mainstream of society.

10 "It shall be a State policy to recognize the equal rights and
11 inherent human dignity of women and men as enshrined in the
12 United Nations Universal Declaration on Human Rights, UNITED
13 NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS
14 OF DISCRIMINATION AGAINST WOMEN, United Nations
15 Convention on the Rights of the Child, United Nations
16 Convention on the Protection of Migrant Workers and their
17 Families, United Nations Convention Against Transnational
18 Organized Crime Including its Protocol to Prevent, Suppress and
19 Punish Trafficking in Persons, Especially Women and Children
20 and all other relevant and universally accepted human rights
21 instruments and other international conventions to which the
22 Philippines is a signatory."

23 "SEC. 3. *Definition of Terms.* – As used in this Act:

24 "(a) *Trafficking in Persons* – refers to: [the recruitment,
25 transportation, transfer or harboring, or receipt of persons with or
26 without the victim's consent or knowledge, within or across
27 national borders by means of threat or use of force, or other
28 forms of coercion, abduction, fraud, deception, abuse of power

1 or of position, taking advantage of the vulnerability of the
2 person, or, the giving or receiving of payments or benefits to
3 achieve the consent of a person having control over another
4 person for the purpose of exploitation which includes at a
5 minimum, the exploitation or the prostitution of others or other
6 forms of sexual exploitation, forced labor or services, slavery,
7 servitude or the removal or sale of organs.

8 "The recruitment, transportation, transfer, harboring or
9 receipt of a child for the purpose of exploitation shall also be
10 considered as 'trafficking in persons' even if it does not involve
11 any of the means set forth in the preceding paragraph.]

12 "(1) ANY ACT OF RECRUITING, OBTAINING,
13 HARBORING, MAINTAINING, OFFERING, PROVIDING,
14 TRANSPORTING OR TRANSFERRING ANY NATURAL PERSON
15 WITH OR WITHOUT THE VICTIM'S CONSENT OR KNOWLEDGE,
16 WITHIN OR ACROSS NATIONAL BORDERS;

17 "(2) ANY ACT OF INTIMIDATION OR THREAT, USE OF
18 FORCE OR OTHER FORMS OF COERCION, ABDUCTION, FRAUD,
19 DECEPTION, DEBT BONDAGE, ABUSE OF POWER OR OF
20 POSITION OR OF LEGAL PROCESS, TAKING ADVANTAGE OF THE
21 VULNERABILITY OF THE PERSON, OR THE GIVING OR
22 RECEIVING OF PAYMENTS OR BENEFITS TO ACHIEVE THE
23 CONSENT OF A PERSON HAVING CONTROL OVER ANOTHER
24 PERSON; AND

25 "(3) ANY ACT OF EXPLOITATION INCLUDING
26 PROSTITUTION OR OTHER FORMS OF SEXUAL EXPLOITATION,
27 FORCED LABOR OR SERVICES, SLAVERY, INVOLUNTARY
28 SERVITUDE, THE REMOVAL OR SALE OF ORGANS, OR ARMED

1 ACTIVITIES OR PROFITING FROM EXPLOITATION, WHETHER OR
2 NOT THE EXPLOITATION ACTUALLY OCCURS.

3 “IF THE TRAFFICKING VICTIM IS A CHILD, ANY ACT
4 UNDER SECTION 3(A)(1) COMMITTED FOR ANY OF THE
5 PURPOSES CITED IN SECTION 3(A)(3) SHALL ALSO QUALIFY AS
6 TRAFFICKING IN PERSONS EVEN IF IT DOES NOT INVOLVE ANY
7 OF THE MEANS SET FORTH IN SECTION 3(A)(2), AND WHETHER
8 OR NOT THE OFFENDER KNOWS THAT THE VICTIM IS A CHILD.

9 “(B) *OBTAINING* – AS USED IN SECTION 3(A), REFERS
10 TO ACQUIRING IN ANY FORM A NATURAL PERSON OR A
11 NATURAL PERSON’S SERVICES, WHETHER OR NOT BY
12 CONTRACT OR FOR ANY CONSIDERATION, AND INCLUDES
13 ACQUIRING BY RECEIVING, BUYING, HIRING, EMPLOYING,
14 RENTING, ABDUCTING, ADOPTING, OR MARRYING.

15 “(C) *HARBORING* – AS USED IN SECTION 3(A), REFERS
16 TO PROVIDING A PLACE TO STAY OR TO SECURE BY LIMITING
17 THE LIBERTY OF ANY PERSON OR ACCESS TO ANY OTHER
18 PERSON.

19 “(D) *MAINTAINING* – AS USED IN SECTION 3(A), REFERS
20 TO MAKING AVAILABLE DIRECTLY OR INDIRECTLY MANAGING
21 THE AVAILABILITY OR RECEIPT OR ENJOYMENT OF,
22 NECESSITIES, CONVENIENCES, OR OTHER THINGS OF VALUE,
23 SUCH AS FOOD, DRINK, CLOTHING, SHELTER, BEDDING,
24 RUNNING WATER, MONEY, WORK, OR WORK FACILITIES OR
25 SUPPLIES OF ANY KIND.

26 “[(b)](E) *Child* – refers to a person below eighteen (18)
27 years of age or one who [is over eighteen (18) but] is unable to
28 fully take care of or protect himself/herself from abuse, neglect,

1 cruelty, exploitation, or discrimination because of a physical or
2 mental disability or condition.

3 “[(c)](F) *Prostitution* – refers to any act, transaction,
4 scheme or design involving the use of a person by another, for
5 sexual intercourse, **SEXUAL GRATIFICATION**, or **ANY OTHER**
6 lascivious conduct in exchange for money, profit, or any other
7 consideration **BEING GIVEN BY ANY PERSON TO ANY OTHER**
8 **PERSON**.

9 “[(d)](G) *Forced Labor [and Slavery]* – refers to the
10 extraction of work or services from any person by means of
11 enticement, violence, intimidation or threat, use of force or
12 coercion, including deprivation of freedom, abuse of authority or
13 moral ascendancy, debt[-]bondage or deception **INCLUDING ANY**
14 **WORK OR SERVICE EXTRACTED FROM ANY OTHER PERSON BY**
15 **MEANS AS PROVIDED IN SECTION (3)(A)(2)**.

16 “(H) *INVOLUNTARY SERVITUDE* – REFERS TO A
17 **CONDITION OF ENFORCED OR COMPULSORY SERVICE INDUCED**
18 **BY MEANS OF ANY SCHEME, PLAN OR PATTERN, INTENDED TO**
19 **CAUSE A PERSON TO BELIEVE THAT, IF THE PERSON DID NOT**
20 **ENTER INTO OR CONTINUE IN SUCH CONDITION, THAT PERSON**
21 **WOULD SUFFER SERIOUS HARM OR OTHER FORMS OF ABUSE OR**
22 **PHYSICAL RESTRAINT.**

23 “(I) *SLAVERY* – REFERS TO THE EXTRACTION OF
24 **WORK OR SERVICES FROM ANY PERSON BY MEANS OF**
25 **ENTICEMENT, VIOLENCE, INTIMIDATION OR THREAT, USE OF**
26 **FORCE OR COERCION, INCLUDING DEPRIVATION OF**
27 **FREEDOM, ABUSE OF AUTHORITY OR MORAL ASCENDANCY,**
28 **DEBT[-]BONDAGE OR DECEPTION.**

1 “[(e)](j) *Sex Tourism* – refers to a program organized by
2 travel and tourism-related establishments and individuals which
3 consists of tourism packages or activities, utilizing and offering
4 escort and sexual services as enticement for tourists. This
5 includes sexual services and practices offered during rest and
6 recreation periods for members of the military.

7 “[(f)](k) *Sexual Exploitation* – refers to participation by
8 a person in prostitution, **PORNOGRAPHY** or the production of
9 [pornographic materials as a result of being subjected to a threat,
10 deception, coercion, abduction, force, abuse of authority, debt
11 bondage, fraud or through abuse of a victim’s vulnerability]
12 **PORNOGRAPHY, IN EXCHANGE FOR MONEY, PROFIT OR ANY**
13 **OTHER CONSIDERATION OR WHERE THE PARTICIPATION IS**
14 **CAUSED OR FACILITATED BY ANY MEANS AS STATED IN**
15 **SECTION 3(A)(2); OR IN SEXUAL INTERCOURSE OR LASCIVIOUS**
16 **CONDUCT CAUSED OR FACILITATED BY ANY MEANS, LIKEWISE,**
17 **STATED IN SECTION 3(A)(2).**

18 “[(g)](l) *Debt Bondage* – refers to the pledging by the
19 debtor of [his/her] ONE’S personal services or labor or those of a
20 person under [his/her] ONE’S control as security or payment for a
21 debt, when the length and nature of services [is] ARE not clearly
22 defined or when the value of the services as reasonably assessed
23 is not applied toward the liquidation of the debt.

24 “[(h)](m) *Pornography* – refers to any representation,
25 through publication, exhibition, cinematography, indecent shows,
26 information technology, or by whatever means, of a person
27 engaged in real or simulated explicit sexual activities or any

1 representation of the sexual parts of a person for primarily sexual
2 purposes.

3 “[i](N) *Council* – shall mean the Inter-Agency Council
4 Against Trafficking created under Section 20 of this Act.”

5 “SEC. 4. *Acts INVOLVING [of] Trafficking in Persons.* –
6 It shall be unlawful for any person, natural or juridical, to
7 commit any of the following acts:

8 “(A) TO TRAFFIC IN PERSONS;

9 “(B) TO TRAFFIC IN PERSONS INDIRECTLY IN ANY OF
10 THE FOLLOWING WAYS:

11 “(1) TO ACT FOR ANY PURPOSE AS STATED IN SECTION
12 3(A)(3) BY: (i) DIRECTLY OR INDIRECTLY GETTING ANY OTHER
13 PERSON OR PERSONS, WITH OR WITHOUT KNOWLEDGE OF
14 A PURPOSE STATED IN SECTION 3(A)(3), TO PERFORM ANY
15 ACT STATED IN SECTION 3(A)(1); AND (ii) DIRECTLY OR
16 INDIRECTLY GETTING ANY OTHER PERSON OR PERSONS, WITH
17 OR WITHOUT KNOWLEDGE OF THE PURPOSE STATED IN
18 SECTION 3(A)(3), AND TO PERFORM ANY MEANS IN SECTION
19 3(A)(2) – WHERE THE ACT AND THE MEANS CONCERN THE
20 SAME VICTIM; OR

21 “(2) TO COOPERATE IN THE COMMISSION OF
22 TRAFFICKING IN PERSONS, FOR ANY PURPOSE IN SECTION
23 3(A)(3), BY PERFORMING ANY OTHER ACT WITHOUT WHICH
24 THE TRAFFICKING WOULD NOT HAVE BEEN ACCOMPLISHED,
25 OR BY DIRECTLY OR INDIRECTLY GETTING ANY OTHER
26 PERSON – WHETHER OR NOT THE OTHER PERSON ACTS ALONE
27 – TO PERFORM ANY ACT WITHOUT WHICH THE TRAFFICKING
28 WOULD NOT HAVE BEEN ACCOMPLISHED; OR

1 “(3) **TRAFFICKING IN PERSONS, WHETHER DIRECTLY**
 2 **OR INDIRECTLY INCLUDES, BUT IS NOT LIMITED TO, THE**
 3 **FOLLOWING ACTS:**

4 “[(a)](I) To recruit, transport, transfer, harbor, provide,
 5 or receive a person by any means, including those done under the
 6 pretext of domestic or overseas employment or training or
 7 apprenticeship, for the purpose of prostitution, pornography,
 8 sexual exploitation, forced labor, slavery, involuntary servitude
 9 or debt bondage;

10 “[(b)](II) x x x

11 “[(c)](III) x x x

12 “[(d)](IV) x x x

13 “[(e)](V) x x x

14 “[(f)](VI) x x x

15 “[(g)](VII) x x x

16 “[(h)](VIII) x x x.”

17 SEC. 3. Sections 5(b), 6, 7 and 8 of Republic Act No. 9208 are hereby
 18 amended to read as follows:

19 “SEC. 5. *Acts that Promote Trafficking in Persons.* –
 20 The following acts which promote or facilitate trafficking in
 21 persons[,] shall be unlawful:

22 “(a) x x x

23 “(b) To produce, print and issue or distribute unissued,
 24 tampered or fake counseling certificates, registration stickers,
 25 **OVERSEAS EMPLOYMENT CERTIFICATES OR OTHER [and]**
 26 certificates of any government agency which issues these

1 certificates, DECALS and [stickers] SUCH OTHER MARKERS as
2 proof of compliance with government regulatory and
3 pre-departure requirements for the purpose of promoting
4 trafficking in persons;

5 "x x x."

6 "SEC. 6. *Qualified Trafficking in Persons.* -- [The
7 following are] VIOLATIONS OF SECTION 4 OF THIS ACT SHALL
8 BE considered as qualified trafficking:

9 "x x x

10 "(d) When the offender is A SPOUSE, an ascendant,
11 parent, sibling, guardian or a person who exercises authority over
12 the trafficked person or when the offense is committed by a
13 public officer or employee;

14 "x x x

15 "(f) When the offender is a member of the military or
16 law enforcement agencies; [and]

17 "(g) When by reason or on occasion of the act of
18 trafficking in persons, the offended party dies, becomes insane,
19 suffers mutilation or is afflicted with Human Immunodeficiency
20 Virus (HIV) or the Acquired Immune Deficiency Syndrome
21 (AIDS)[.];

22 "(H) WHEN THE OFFENDER COMMITS ONE (1) OR
23 MORE VIOLATIONS OF SECTION 4 OF THIS ACT OVER A PERIOD
24 OF SIXTY (60) OR MORE DAYS, WHETHER THOSE DAYS ARE
25 CONTINUOUS OR NOT; AND

1 “(I) WHEN THE OFFENDER DIRECTS OR THROUGH
2 ANOTHER MANAGES THE TRAFFICKING VICTIM IN CARRYING
3 OUT THE EXPLOITATIVE PURPOSE OF TRAFFICKING.”

4 “SEC. 7. *Confidentiality*. – At any stage of the
5 investigation, RESCUE, prosecution and trial of an offense under
6 this Act, law enforcement officers, prosecutors, judges, court
7 personnel and medical practitioners, as well as parties to the
8 case, shall [recognize] PROTECT the right to privacy of the
9 trafficked person [and the accused]. Towards this end, law
10 enforcement officers, prosecutors and judges to whom the
11 complaint has been referred may, whenever necessary to ensure a
12 fair and impartial proceeding, and after considering all
13 circumstances for the best interest of the parties, order a
14 closed-door investigation, prosecution or trial. The name and
15 personal circumstances of the trafficked person [or of the
16 accused], or any other information tending to establish [their
17 identities and such circumstances or information] THE IDENTITY
18 OF THE TRAFFICKED PERSON shall not be disclosed to the
19 public.

20 “[In cases when prosecution or trial is conducted behind
21 closed-doors, it] IT shall be unlawful for any editor, publisher,
22 and reporter or columnist in case of printed materials, announcer
23 or producer in case of television and radio, producer and director
24 of a film in case of the movie industry, or any person utilizing
25 tri-media facilities or information technology to cause publicity
26 of [any case of trafficking in persons.] THE NAME AND
27 PERSONAL CIRCUMSTANCES OF THE TRAFFICKED PERSON OR

1 ANY OTHER INFORMATION TENDING TO ESTABLISH THE
2 IDENTITY OF THE TRAFFICKED PERSON, IN ASSOCIATION WITH
3 THE CASE OR WITH BEING VICTIMIZED BY OR OTHERWISE
4 INVOLVED IN TRAFFICKING IN PERSONS, UNLESS (i) A COURT,
5 WITH DUE CONSIDERATION OF THE CURRENT AND FUTURE
6 WELFARE OF THE TRAFFICKED PERSON, ISSUES AN ORDER
7 ALLOWING IT; (ii) THE TRAFFICKED PERSON KNOWINGLY AND
8 VOLUNTARILY AGREES, IN A DULY NOTARIZED WRITTEN
9 STATEMENT, TO ALLOW IT; OR (iii) SUCH INFORMATION IS
10 KNOWINGLY AND VOLUNTARILY PUBLISHED BY THE
11 TRAFFICKED PERSON: *PROVIDED*, THAT IN ALL
12 CIRCUMSTANCES WHEN THE VICTIM IS A MINOR, SUCH
13 PUBLICATION SHALL BE PROHIBITED.”

14 “SEC. 8. *INITIATION AND PROSECUTION OF CASES.* --

15 “(A) INITIATION OF INVESTIGATION. -- LAW
16 ENFORCEMENT AGENCIES ARE MANDATED TO IMMEDIATELY
17 INITIATE INVESTIGATION AND COUNTER-TRAFFICKING-
18 INTELLIGENCE GATHERING UPON RECEIPT OF STATEMENTS
19 OR AFFIDAVIT FROM VICTIMS OF TRAFFICKING, MIGRANT
20 WORKERS, OR THEIR FAMILIES WHO ARE IN POSSESSION OF
21 KNOWLEDGE OR INFORMATION ABOUT TRAFFICKING IN
22 PERSONS CASES.

23 “(B) Prosecution of Cases. -- Any person who has
24 personal knowledge of the commission of any offense under this
25 Act, the trafficked person, the parents, spouse, siblings, children
26 or legal guardian may file a complaint for trafficking.

27 “(C) AFFIDAVIT OF DESISTANCE. -- CASES INVOLVING
28 TRAFFICKING IN PERSONS SHOULD NOT BE DISMISSED BASED
29 ON THE AFFIDAVIT OF DESISTANCE EXECUTED BY THE VICTIMS
30 OR THEIR PARENTS OR LEGAL GUARDIANS. PUBLIC AND

1 PRIVATE PROSECUTORS ARE DIRECTED TO OPPOSE AND
2 MANIFEST OBJECTIONS TO MOTIONS FOR DISMISSAL.

3 "ANY ACT INVOLVING THE MEANS PROVIDED IN
4 SECTION 3(A)(2) OR ANY ATTEMPT THEREOF FOR THE
5 PURPOSE OF SECURING AN AFFIDAVIT OF DESISTANCE FROM
6 THE COMPLAINANT SHALL BE PUNISHABLE UNDER THIS ACT."

7 SEC. 4. Sections 10, 11 and 12 of Republic Act No. 9208 are hereby
8 amended to read as follows:

9 "SEC. 10. *Penalties and Sanctions.* – The following
10 penalties and sanctions are hereby established for the offenses
11 enumerated in this Act: **PROVIDED, THAT THE PROBATION LAW**
12 **(PRESIDENTIAL DECREE NO. 968) SHALL NOT APPLY:**

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

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

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

27 (d) Any person who violates Section 7 hereof shall suffer
28 the penalty of imprisonment of six (6) years and a fine of not less

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

3 “(A) ANY PERSON FOUND GUILTY OF VIOLATING
4 SECTION 4 OF THIS ACT SHALL SUFFER, FOR EACH VIOLATION,
5 THE PENALTY OF *RECLUSION TEMPORAL* IN ITS MAXIMUM
6 PERIOD TO *RECLUSION PERPETUA* AND A FINE OF NOT LESS
7 THAN ONE MILLION PESOS (P1,000,000.00) BUT NOT MORE
8 THAN TWO MILLION PESOS (P2,000,000.00): *PROVIDED*, THAT
9 WHEN THE VIOLATION IS CONSIDERED QUALIFIED
10 TRAFFICKING UNDER SECTION 6 OF THIS ACT, THE PERSON
11 SHALL SUFFER, FOR EACH QUALIFIED OFFENSE, THE PENALTY
12 OF *RECLUSION PERPETUA* AND A FINE OF NOT LESS THAN TWO
13 MILLION PESOS (P2,000,000.00) BUT NOT MORE THAN FIVE
14 MILLION PESOS (P5,000,000.00);

15 “(B) ANY PERSON FOUND GUILTY OF VIOLATING
16 SECTION 4(A), 4(B) OR 4(C) OF THIS ACT SHALL BE PENALIZED
17 ACCORDING TO THE REVISED PENAL CODE FOR THE
18 APPROPRIATE OFFENSE: *PROVIDED*, THAT THE FINE FOR ANY
19 ACT DESCRIBED IN SECTION 4(A), 4(B) OR 4(C) OF THIS ACT
20 SHALL NOT BE LESS THAN FIVE HUNDRED THOUSAND PESOS
21 (P500,000.00) BUT SHALL NOT BE MORE THAN ONE MILLION
22 PESOS (P1,000,000.00);

23 “(C) ANY PERSON FOUND GUILTY OF VIOLATING
24 SECTION 5 OF THIS ACT SHALL SUFFER THE PENALTY OF
25 *RECLUSION TEMPORAL* IN ITS MINIMUM TO MEDIUM PERIOD
26 AND A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND
27 PESOS (P500,000.00) BUT NOT MORE THAN ONE MILLION
28 PESOS (P1,000,000.00);

1 “(D) ANY PERSON FOUND GUILTY OF VIOLATING
2 SECTION 7 OF THIS ACT SHALL SUFFER FOR EACH VIOLATION,
3 THE PENALTY OF *ARRESTO MAYOR* TO *PRISION CORRECCIONAL*
4 IN ITS MINIMUM PERIOD AND A FINE OF NOT LESS THAN ONE
5 HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE
6 THAN THREE HUNDRED THOUSAND PESOS (P300,000.00);

7 “(E) ANY PERSON FOUND GUILTY OF VIOLATING THIS
8 ACT PUNISHABLE UNDER SECTION 8(C) OF THIS ACT FOR THE
9 PURPOSE OF SECURING AN AFFIDAVIT OF *DESISTANCE* SHALL
10 BE PENALIZED AS WOULD AN ACCESSORY TO THE OFFENSE OR
11 OFFENSES CHARGED IN THE COMPLAINT;

12 “(F) ANY PUBLIC OFFICIAL FOUND TO HAVE VIOLATED
13 THIS ACT SHALL BE DISMISSED FROM SERVICE AND SHALL
14 SUFFER PERPETUAL ABSOLUTE DISQUALIFICATION TO HOLD
15 PUBLIC OFFICE, IN ADDITION TO IMPRISONMENT OR A FINE
16 THAT MAY BE IMPOSED PURSUANT TO THE PROVISIONS OF THIS
17 ACT;

18 “[(e)](G) If the offender is a corporation, partnership,
19 association, club, establishment or any juridical person, the
20 penalty shall be imposed upon the owner, president, partner,
21 manager, and/or any responsible officer who participated in the
22 commission of the crime or who shall have knowingly permitted
23 or failed to prevent its commission;

24 “[(f)] IN ADDITION, [The] THE registration with the
25 Securities and Exchange Commission (SEC) and license to
26 operate of the erring agency, corporation, association, religious
27 group, tour or travel agent, club or establishment, or any place of
28 entertainment shall be cancelled and revoked permanently. The

1 owner, president, partner or manager thereof shall not be allowed
2 to operate similar establishments in a different name;

3 “[g)](H) [If the offender is a foreigner, he] ANY
4 FOREIGNER FOUND TO HAVE VIOLATED THIS ACT shall be
5 immediately deported after serving [his] sentence and SHALL be
6 barred permanently from entering the country;

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

21 “[i)](J) Conviction by final judgment of [the] AN
22 adopter for any offense under this Act shall result in the
23 immediate rescission of the decree of adoption.”

24 “SEC. 11. *Use of Trafficked Persons.* – Any person who
25 buys or engages the services of A trafficked person[s] for
26 prostitution shall be penalized [as follows] WITH THE

1 FOLLOWING: *PROVIDED*, THAT THE PROBATION LAW
2 (PRESIDENTIAL DECREE NO. 968) SHALL NOT APPLY:

3 “(a) First offense – six (6) months of community service
4 as may be determined by the court and a fine of Fifty thousand
5 pesos (P50,000.00); and

6 (b) Second and subsequent offenses – imprisonment of
7 one (1) year and a fine of One hundred thousand pesos
8 (P100,000.00).]

9 “(A) *PRISION CORRECCIONAL* IN ITS MAXIMUM PERIOD
10 TO *PRISION MAYOR* AND A FINE OF NOT LESS THAN FIFTY
11 THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN ONE
12 HUNDRED THOUSAND PESOS (P100,000.00); *PROVIDED*,
13 *HOWEVER*, THAT THE FOLLOWING ACTS SHALL BE EXEMPTED
14 THERETO:

15 “(1) IF AN OFFENSE UNDER PARAGRAPH (A) INVOLVES
16 SEXUAL INTERCOURSE OR LASCIVIOUS CONDUCT WITH A
17 CHILD, THE PENALTY SHALL BE *RECLUSION TEMPORAL* IN ITS
18 MEDIUM PERIOD TO *RECLUSION PERPETUA* AND A FINE OF NOT
19 LESS THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00)
20 BUT NOT MORE THAN ONE MILLION PESOS (P1,000,000.00);

21 “(2) IF AN OFFENSE UNDER PARAGRAPH (A) INVOLVES
22 CARNAL KNOWLEDGE OF, OR SEXUAL INTERCOURSE WITH, A
23 MALE OR FEMALE TRAFFICKING VICTIM AND ALSO INVOLVES
24 THE USE OF FORCE OR INTIMIDATION, TO A VICTIM DEPRIVED
25 OF REASON OR TO AN UNCONSCIOUS VICTIM, OR A VICTIM
26 UNDER TWELVE (12) YEARS OF AGE, INSTEAD OF THE PENALTY
27 PRESCRIBED IN THE SUBPARAGRAPH ABOVE, THE PENALTY
28 SHALL BE A FINE OF NOT LESS THAN ONE MILLION PESOS

1 (P1,000,000.00) BUT NOT MORE THAN FIVE MILLION PESOS
2 (P5,000,000.00) AND IMPRISONMENT OF *RECLUSION PERPETUA*
3 WITH NO POSSIBILITY OF PAROLE; EXCEPT THAT IF A PERSON
4 VIOLATING PARAGRAPH (A) OF THIS SECTION KNOWS THAT
5 THE PERSON THAT PROVIDE PROSTITUTION SERVICES IS IN
6 FACT A VICTIM OF TRAFFICKING, THE OFFENDER SHALL NOT
7 BE LIKEWISE PENALIZED UNDER THIS SECTION BUT UNDER
8 SECTION 10 AS A PERSON VIOLATING SECTION 4; AND IF IN
9 COMMITTING SUCH AN OFFENSE THE OFFENDER ALSO KNOWS
10 A QUALIFYING CIRCUMSTANCE FOR TRAFFICKING, THE
11 OFFENDER SHALL BE PENALIZED UNDER SECTION 10 FOR
12 QUALIFIED TRAFFICKING. IF IN VIOLATING THIS SECTION THE
13 OFFENDER ALSO VIOLATES SECTION 4, THE OFFENDER SHALL
14 BE PENALIZED UNDER SECTION 10 FOR SECTION 4
15 TRAFFICKING VIOLATION AND, IF APPLICABLE, FOR
16 QUALIFIED TRAFFICKING INSTEAD OF UNDER THIS SECTION.

17 “(B) DEPORTATION. – IF A FOREIGNER COMMITS ANY
18 OFFENSE DESCRIBED BY PARAGRAPH (A) OR (B) OF THIS
19 SECTION OR VIOLATES PARAGRAPH (C) OF THIS SECTION AS AN
20 ACCOMPLICE OR ACCESSORY TO, OR BY ATTEMPTING, ANY
21 SUCH OFFENSE, HE SHALL BE IMMEDIATELY DEPORTED AFTER
22 SERVING HIS SENTENCE AND BE BARRED PERMANENTLY FROM
23 ENTERING THE COUNTRY.

24 “(C) PUBLIC OFFICIAL. – IF THE OFFENDER IS A
25 PUBLIC OFFICIAL, HE SHALL BE DISMISSED FROM SERVICE AND
26 SHALL SUFFER PERPETUAL ABSOLUTE DISQUALIFICATION TO
27 HOLD PUBLIC OFFICE, IN ADDITION TO ANY IMPRISONMENT OR
28 FINE RECEIVED PURSUANT TO ANY OTHER PROVISION OF THIS
29 ACT.”

1 “SEC. 12. *Prescriptive Period.* – Trafficking cases under
2 this Act shall prescribe in ten (10) years: *Provided, however,*
3 That trafficking cases committed by a syndicate or in a large
4 scale as defined under Section 6, **OR AGAINST A CHILD**, shall
5 prescribe in twenty (20) years.

6 “The prescriptive period shall commence to run from the
7 day on which the trafficked person is delivered or released from
8 the conditions of bondage, **OR IN THE CASE OF A CHILD VICTIM,**
9 **FROM THE DAY THE CHILD REACHES THE AGE OF MAJORITY,**
10 and shall be interrupted by the filing of the complaint or
11 information and shall commence to run again when [such] **THE**
12 proceedings terminate without the accused being convicted or
13 acquitted or are unjustifiably stopped for any reason not
14 imputable to the accused.”

15 SEC. 5. Section 16 of Republic Act No. 9208 is hereby amended and a
16 new Section 16-A is inserted to read as follows:

17 “SEC. 16. *Programs that Address Trafficking in Persons.*
18 – The government shall establish and implement preventive,
19 protective and rehabilitative programs for trafficked persons.
20 For this purpose, the following agencies are hereby mandated to
21 implement the following programs:

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

1 programs. IT SHALL PROVIDE FILIPINO VICTIMS OF
2 TRAFFICKING OVERSEAS WITH FREE LEGAL ASSISTANCE AND
3 COUNSEL TO PURSUE LEGAL ACTION AGAINST THE
4 TRAFFICKERS, REPRESENT THE INTEREST IN ANY CRIMINAL
5 INVESTIGATION OR PROSECUTION, AND ASSIST IN THE
6 APPLICATION FOR SOCIAL BENEFITS OR REGULAR
7 IMMIGRATION STATUS AS MAY BE ALLOWED OR CONFERRED
8 BY THE HOST COUNTRY.

9 "The DFA shall take necessary measures for the efficient
10 implementation of the [Machine Readable Passports]
11 ELECTRONIC PASSPORTING SYSTEM to protect the integrity of
12 Philippine passports, visas and other travel documents to reduce
13 the incidence of trafficking through the use of fraudulent
14 identification documents.

15 "x x x

16 "IN COORDINATION WITH THE DEPARTMENT OF LABOR
17 AND EMPLOYMENT (DOLE), THE DEPARTMENT OF FOREIGN
18 AFFAIRS (DFA) SHALL PROVIDE FREE TEMPORARY SHELTERS
19 AND OTHER SERVICES TO FILIPINO VICTIMS OF TRAFFICKING
20 OVERSEAS THROUGH THE FILIPINOS RESOURCE CENTERS
21 ESTABLISHED OVERSEAS UNDER REPUBLIC ACT NO. 8042, AS
22 AMENDED.

23 "(b) Department of Social Welfare and Development
24 (DSWD) – shall implement rehabilitative and protective
25 programs for trafficked persons. It shall:

26 "(1) [p]Provide PSYCHOLOGICAL SUPPORT AND
27 counseling [and] TO TRAFFICKED PERSONS;

1 “(2) PROVIDE FREE temporary shelters AND
2 FACILITIES FOR THE PROTECTION AND HOUSING OF [to]
3 trafficked persons; [and]

4 “(3) [d]Develop a system for accreditation among
5 NGOs for purposes of establishing centers and programs for
6 intervention in various levels of the community[.];

7 “(4) PROVIDE SAFE AREAS FOR PROCESSING RESCUED
8 VICTIMS;

9 “(5) PROVIDE TWENTY-FOUR (24)-HOUR HELP LINE
10 FOR CRISIS CALLS; AND

11 “(6) COORDINATE WITH LOCAL LAW ENFORCEMENT
12 ENTITIES, THE DEPARTMENT OF JUSTICE, AND OTHER
13 RELEVANT GOVERNMENT OFFICES.

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

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

1 “(e) [National] **PHILIPPINE** Commission on [the Role
2 of Filipino] Women [(NCRFW)] (**PCW**) – shall actively
3 participate and coordinate in the formulation and monitoring
4 of policies addressing the issue of trafficking in persons
5 in coordination with relevant government agencies. It shall
6 likewise advocate for the inclusion of the issue of trafficking in
7 persons in both its local and international advocacy for women’s
8 issues.

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

16 “(g) Philippine National Police (PNP) AND NATIONAL
17 BUREAU OF INVESTIGATION (NBI) – shall be the primary law
18 enforcement agenc[y]IES to undertake surveillance, investigation
19 and arrest of individuals or persons suspected to be engaged in
20 trafficking. It shall closely coordinate with various law
21 enforcement agencies to secure concerted efforts for effective
22 investigation and apprehension of suspected traffickers. It shall
23 also establish a system to receive complaints and calls to assist
24 trafficked persons and conduct rescue operations.

25 “(h) Philippine Overseas Employment Administration
26 (POEA) – shall implement an effective pre-employment
27 orientation seminars and pre-departure counseling programs to

1 applicants for overseas employment. It shall likewise formulate a
2 system of providing free legal assistance to trafficked persons, IN
3 COORDINATION WITH THE DEPARTMENT OF FOREIGN
4 AFFAIRS.

5 “(i) Department of the Interior and Local Government
6 (DILG) – shall institute a systematic information and prevention
7 campaign IN COORDINATION WITH OTHER AGENCIES OF
8 GOVERNMENT AS PROVIDED FOR IN THIS ACT [and likewise
9 maintain a databank for the effective monitoring, documentation
10 and prosecution of cases on trafficking in persons]. IT SHALL
11 PROVIDE TRAINING PROGRAMS TO LOCAL GOVERNMENT
12 UNITS, IN COORDINATION WITH THE COUNCIL, IN ENSURING
13 WIDE UNDERSTANDING AND APPLICATION OF THIS ACT AT THE
14 LOCAL LEVEL.

15 “(j) COMMISSION ON FILIPINOS OVERSEAS – SHALL
16 CONDUCT PRE-DEPARTURE COUNSELING SERVICES FOR
17 FILIPINOS. IT SHALL DEVELOP A SYSTEM FOR
18 ACCREDITATION OF NONGOVERNMENT ORGANIZATIONS THAT
19 MAY BE MOBILIZED FOR PURPOSES OF CONDUCTING THESE
20 SERVICES. PURSUANT THERETO, IT SHALL ENSURE THAT THE
21 COUNSELORS CONTEMPLATED UNDER THIS ACT SHALL HAVE
22 THE MINIMUM QUALIFICATIONS AND TRAINING OF GUIDANCE
23 COUNSELORS AS PROVIDED FOR BY LAW.

24 “IT SHALL LIKEWISE ASSIST IN THE CONDUCT OF
25 INFORMATION CAMPAIGNS AGAINST TRAFFICKING IN
26 COORDINATION WITH LOCAL GOVERNMENT UNITS, THE
27 PHILIPPINE INFORMATION AGENCY, AND NONGOVERNMENT
28 ORGANIZATIONS.

1 “(j)(k) Local government units (LGUs) – shall monitor
2 and document cases of trafficking in persons in their areas of
3 jurisdiction, effect the cancellation of licenses of establishments
4 which violate the provisions of this Act and ensure effective
5 prosecution of such cases. They shall also undertake an
6 information campaign against trafficking in persons through the
7 establishment of the Migrants Advisory and Information
8 Network (MAIN) desks in municipalities or provinces in
9 coordination with DILG, Philippine Information Agency (PIA),
10 Commission on Filipinos Overseas (CFO), NGOs and other
11 concerned agencies. They shall encourage and support
12 community-based initiatives which address the trafficking in
13 persons.

14 “In implementing this Act, the agencies concerned may
15 seek and enlist the assistance of NGOs, people’s organizations
16 (POs), civic organizations and other volunteer groups.”

17 “**SEC. 16-A. ANTI-TRAFFICKING IN PERSONS CENTRAL**
18 **DATABASE. – AN ANTI-TRAFFICKING IN PERSONS CENTRAL**
19 **DATABASE SHALL BE ESTABLISHED BY THE INTER-AGENCY**
20 **COUNCIL AGAINST TRAFFICKING CREATED UNDER SECTION**
21 **20 OF THIS ACT. THE COUNCIL SHALL SUBMIT A REPORT TO**
22 **THE PRESIDENT OF THE PHILIPPINES AND TO CONGRESS, ON**
23 **OR BEFORE JANUARY 15 OF EVERY YEAR, WITH RESPECT TO**
24 **THE PRECEDING YEAR’S PROGRAMS AND DATA ON**
25 **TRAFFICKING-RELATED CASES.**

26 “**ALL GOVERNMENT AGENCIES TASKED UNDER THE LAW**
27 **TO UNDERTAKE PROGRAMS AND RENDER ASSISTANCE TO**
28 **ADDRESS TRAFFICKING IN PERSONS SHALL DEVELOP THEIR**

1 RESPECTIVE MONITORING AND DATA COLLECTION SYSTEMS,
2 AND DATABASES, FOR PURPOSES OF ENSURING EFFICIENT
3 COLLECTION AND STORAGE OF DATA ON CASES OF
4 TRAFFICKING IN PERSONS HANDLED BY THEIR RESPECTIVE
5 OFFICES. SUCH DATA SHALL BE SUBMITTED TO THE COUNCIL
6 FOR INTEGRATION IN A CENTRAL DATABASE SYSTEM.

7 "FOR THIS PURPOSE, THE COUNCIL IS HEREBY TASKED
8 TO ENSURE THE HARMONIZATION AND STANDARDIZATION OF
9 DATABASES, INCLUDING MINIMUM DATA REQUIREMENTS,
10 DEFINITIONS, REPORTING FORMATS, DATA COLLECTION
11 SYSTEMS, AND DATA VERIFICATION SYSTEMS. SUCH
12 DATABASES SHALL HAVE, AT THE MINIMUM, THE FOLLOWING
13 INFORMATION:

14 (A) THE NUMBER OF CASES OF TRAFFICKING IN
15 PERSONS, SORTED ACCORDING TO STATUS OF CASES,
16 INCLUDING THE NUMBER OF CASES BEING INVESTIGATED,
17 SUBMITTED FOR PROSECUTION, DROPPED, AND FILED OR
18 PENDING BEFORE THE COURTS;

19 (B) THE PROFILE/INFORMATION ON EACH CASE;

20 (C) THE NUMBER OF VICTIMS OF TRAFFICKING IN
21 PERSONS REFERRED TO THE AGENCY BY COUNTRIES/AREAS
22 AND BY AREA OF ORIGIN; AND

23 (4) DISAGGREGATED DATA ON TRAFFICKING VICTIMS
24 AND THE ACCUSED."

1 SEC. 6. Section 17 of Republic Act No. 9208 is hereby amended to
2 read as follows:

3 “SEC. 17. *Legal Protection [to] FOR Trafficked*
4 *Persons.* – **IN ADDITION TO PROTECTION PROVIDED BY LAW,**
5 **VICTIMS OF TRAFFICKING SHALL:**

6 “(A) [Trafficked persons shall] [b]Be recognized as
7 victims of the act or acts of trafficking and as such shall not be
8 penalized for crimes directly related to the acts of trafficking
9 enumerated in this Act or in obedience to the order made by the
10 trafficker in relation thereto. In this regard, the consent of a
11 trafficked person to the intended exploitation set forth in this Act
12 shall be irrelevant[.];

13 “(B) **BE ENTITLED TO TAKE REFUGE IN ANY DSWD**
14 **OFFICE OR CITY OR MUNICIPAL SOCIAL WELFARE AND**
15 **DEVELOPMENT OFFICE. THESE OFFICES SHALL**
16 **AUTOMATICALLY TAKE PROTECTIVE CUSTODY OF ANY CHILD**
17 **WHO IS BELIEVED, BASED ON SUBSTANTIAL EVIDENCE UPON**
18 **INITIAL INVESTIGATION, TO HAVE BEEN EXPLOITED THROUGH**
19 **ANY OF THE UNLAWFUL ACTS DESCRIBED IN SECTIONS 4, 5 OR**
20 **11 HEREIN. IN THE PERFORMANCE OF THIS DUTY, THE SAID**
21 **OFFICE SHALL EXERCISE DISCRETION OVER THE CHILD’S**
22 **WELFARE, INCLUDING THE DISCRETION TO RELEASE, OR TO**
23 **REFUSE TO RELEASE, THE CHILD TO THE CHILD’S PARENT OR**
24 **GUARDIAN, WITH DUE CONSIDERATION FOR THE CHILD’S BEST**
25 **INTEREST.**

26 “(C) **BE ENTITLED, UPON PROPER PETITION, TO THE**
27 **ISSUANCE OF A PROTECTION ORDER FOR THE PURPOSE OF**
28 **PREVENTING VIOLENCE, HARASSMENT, INTIMIDATION, OR**

1 BRIBERY, OR TO FACILITATE THE OPPORTUNITY AND ABILITY
2 TO RECOVER FROM, OR TO PURSUE LEGAL REMEDIES FOR
3 SUCH CRIME. A PROTECTION ORDER ISSUED UNDER THIS ACT
4 SHALL BE ENFORCED BY LAW ENFORCEMENT AGENCIES.
5 PROTECTION ORDERS THAT MAY BE ISSUED UNDER THIS ACT
6 ARE BARANGAY PROTECTION ORDERS (BPOs), TEMPORARY
7 PROTECTION ORDERS (TPOs), AND PERMANENT PROTECTION
8 ORDERS (PPOs). THE ISSUANCE OF A BPO OR PENDENCY OF
9 AN APPLICATION FOR A BPO SHALL NOT PRECLUDE A
10 PETITIONER FROM APPLYING FOR, OR A COURT FROM
11 GRANTING, A TPO OR PPO. A BPO UNDER THIS ACT MAY
12 INCLUDE ONE (1) OR MORE OF THE FORMS OF RELIEF
13 INDICATED IN SUBPARAGRAPHS (1) TO (3) BELOW. A TPO OR
14 PPO UNDER THIS ACT MAY INCLUDE ANY ONE (1) OR MORE OF
15 THE FORMS OF RELIEF INDICATED IN SUBPARAGRAPHS (1) TO
16 (5) BELOW.

17 “(1) ORDERING THE RESPONDENT TO ABSTAIN FROM
18 DIRECTLY OR INDIRECTLY CONTACTING, COMMUNICATING
19 WITH, THREATENING, HARASSING OR ANNOYING AN ALLEGED
20 VICTIM OF TRAFFICKING OR ANY OTHER PERSON ASSOCIATED
21 WITH OR RELATED TO THE ALLEGED VICTIM;

22 “(2) ORDERING THE RESPONDENT TO STAY AWAY, AT
23 A SPECIFIED DISTANCE, FROM AN ALLEGED VICTIM OF
24 TRAFFICKING OR ANY OTHER PERSON ASSOCIATED WITH OR
25 RELATED TO THE ALLEGED VICTIM, OR FROM ANY SPECIFIED
26 PLACE FREQUENTED BY THE ALLEGED VICTIM OR ANY OTHER
27 PERSON ASSOCIATED WITH OR RELATED TO THE ALLEGED
28 VICTIM;

1 **“(3) ORDERING THE RESPONDENT TO REFRAIN FROM**
2 **USING, OR TO SURRENDER TO THE ISSUING AUTHORITY FOR**
3 **APPROPRIATE DISPOSITION, ANY FIREARM OR DEADLY**
4 **WEAPON, OR TO BE DISQUALIFIED FROM POSSESSING OR USING**
5 **ANY FIREARM OR DEADLY WEAPON INCLUDING, WITHOUT**
6 **LIMITATION, REVOCATION OF SUCH LICENSE OR**
7 **DISQUALIFICATION FROM OBTAINING SUCH LICENSE;**

8 **“(4) ORDERING THE RESPONDENT TO PROVIDE**
9 **RESTITUTION FOR ANY ACTUAL DAMAGES THAT PETITIONER**
10 **CAUSED AN ALLEGED TRAFFICKING IN PERSON VICTIM**
11 **INCLUDING, BUT NOT LIMITED TO, LOST OR DAMAGED**
12 **PROPERTY, LOST INCOME, AND MEDICAL EXPENSES; OR**

13 **“(5) ORDERING ANY OTHER RELIEF AS DEEMED**
14 **NECESSARY TO PROTECT AND TO PROVIDE FOR THE SAFETY**
15 **AND WELL-BEING OF AN ALLEGED TRAFFICKING IN PERSON**
16 **VICTIM, INCLUDING (WITHOUT LIMITATION) PROTECTING AND**
17 **PROVIDING FOR THE SAFETY AND WELL-BEING OF ANY OTHER**
18 **PERSON ASSOCIATED WITH OR RELATED TO THE ALLEGED**
19 **VICTIM: *PROVIDED*, THAT THE ALLEGED VICTIM AND ANY**
20 **DESIGNATED PERSON ASSOCIATED WITH OR RELATED TO THE**
21 **ALLEGED VICTIM CONSENTED TO SUCH RELIEF.**

22 **“A BPO, TPO, OR PPO UNDER THIS SECTION MAY BE**
23 **OBTAINED BY ANY PERSON AUTHORIZED TO PETITION FOR A**
24 **PROTECTIVE ORDER UNDER REPUBLIC ACT NO. 9262 (WITH**
25 **THE ‘OFFENDED PARTY’ FOR PURPOSES OF THIS SECTION**
26 **BEING LIMITED TO AN ALLEGED VICTIM OF TRAFFICKING IN**
27 **ACCORDANCE WITH THE MECHANISM PRESCRIBED IN**
28 **REPUBLIC ACT NO. 9262. ANY ALLEGED VICTIM OF**
29 **TRAFFICKING, WHETHER MALE OR FEMALE, MAY BE THE**
30 **BENEFICIARY OF A PROTECTIVE ORDER UNDER THIS SECTION.**

1 ANY VIOLATION OF AN ORDER ISSUED PURSUANT TO THIS
2 SECTION SHALL BE PUNISHED ACCORDING TO THE PENALTY
3 PROVIDED UNDER REPUBLIC ACT No. 9262. NOTHING IN ANY
4 ORDER ISSUED PURSUANT TO THIS SECTION SHALL LIMIT THE
5 AUTHORITY OF SOCIAL WELFARE AND DEVELOPMENT OFFICES,
6 AS TO THE AUTHORITY DESCRIBED IN PARAGRAPH (B) OF THIS
7 SECTION.

8 "IN ADDITION TO THE FOREGOING PROTECTION
9 ORDERS, THE INVESTIGATING PROSECUTOR HANDLING THE
10 COMPLAINT FOR VIOLATION OF THIS ACT MAY ISSUE AN
11 INTERIM PROTECTION ORDER (IPO) THAT WOULD EXTEND
12 THE SOCIAL WELFARE AND DEVELOPMENT OFFICE'S CUSTODY
13 OF THE VICTIM OR POTENTIAL VICTIM, UNDER PARAGRAPH (B)
14 OF THIS SECTION, FOR A PERIOD OF SIXTY (60) DAYS FOR THE
15 PURPOSE OF CARRYING OUT AN INVESTIGATION: *PROVIDED*,
16 THAT: (i) THE IPO SHALL BE ISSUED ONLY UPON
17 DETERMINATION THAT THERE IS THREAT TO THE LIFE AND
18 SAFETY OF THE VICTIM OR POTENTIAL VICTIM; (ii) THE
19 VICTIM OR POTENTIAL VICTIM IS IN POSSESSION OF
20 INFORMATION OR EVIDENCE THAT IS MATERIAL TO THE
21 TRAFFICKING CASE; AND (iii) SUCH DECISION SHALL BE MADE
22 BASED ON CONSULTATION WITH THE VICTIM OR POTENTIAL
23 VICTIM, THE SOCIAL WORKER HANDLING THE CASE AND, IF
24 POSSIBLE AND DESIRABLE, THE FAMILY OF THE VICTIM OR
25 POTENTIAL VICTIM.

26 "(D) IRRELEVANCE OF PAST SEXUAL BEHAVIOR OF
27 VICTIMS. – THE PAST SEXUAL BEHAVIOR OF A TRAFFICKED
28 PERSON IS IRRELEVANT AND INADMISSIBLE FOR THE PURPOSE
29 OF PROVING CONSENT, ESTABLISHING THE CREDIBILITY OR

1 LACK OF IT, OR THAT THE VICTIM WAS ENGAGED IN OTHER
 2 SEXUAL BEHAVIOR, OR TO PROVE THE DISPOSITION, SEXUAL
 3 OR OTHERWISE, OF SUCH TRAFFICKED PERSON.

4 “(E) IMMUNITY FROM SUIT. – NO ACTION, SUIT,
 5 PROSECUTION OR OTHER PROCEEDINGS SHALL BE BROUGHT,
 6 INSTITUTED, OR MAINTAINED IN ANY COURT OR BEFORE ANY
 7 OTHER AUTHORITY AGAINST: (1) ANY LAW ENFORCEMENT
 8 OFFICER; (2) ANY SOCIAL WORKER; AND (3) ANY PERSON,
 9 LAWFULLY ACTING IN COMPLIANCE WITH ANY DIRECTION OR
 10 ORDER OF A LAW ENFORCEMENT OFFICER OR A SOCIAL
 11 WORKER FOR LAWFUL ACTS DONE OR STATEMENTS
 12 MADE DURING AUTHORIZED RESCUE OPERATION,
 13 INVESTIGATION, OR PROSECUTION OF AN ANTI-TRAFFICKING
 14 CASE: *PROVIDED*, THAT SUCH ACTS ARE MADE IN GOOD
 15 FAITH.”

16 SEC. 7. Section 20 of Republic Act No. 9208 is hereby amended to
 17 read as follows:

18 “SEC. 20. *Inter-Agency Council Against Trafficking.* –
 19 There is hereby established an Inter-Agency Council Against
 20 Trafficking, to be composed of the Secretary of the Department
 21 of Justice as Chairperson and the Secretary of the Department of
 22 Social Welfare and Development as Co-Chairperson and shall
 23 have the following as members:

- 24 “(a) Secretary, Department of Foreign Affairs;
 25 “(b) Secretary, Department of Labor and Employment;
 26 “(c) Administrator, Philippine Overseas Employment
 27 Administration;
 28 “(d) Commissioner, Bureau of Immigration;
 29 “(e) Director-General, Philippine National Police;

1 “(f) Chairperson, [National Commission on the Role of
2 Filipino Women] **PHILIPPINE COMMISSION ON WOMEN; [and]**

3 **“(G) EXECUTIVE DIRECTOR, PHILIPPINE CENTER FOR**
4 **TRANSNATIONAL CRIMES; AND**

5 **“[g](H) Three (3) representatives from NGOs, [who shall**
6 **be composed of] one (1) representative each from [among] the**
7 sectors representing women, overseas Filipino workers (OFWs)
8 and children, with a proven record of involvement in the
9 prevention and suppression of trafficking in persons. These
10 representatives shall be nominated by the government agency
11 representatives of the Council, for appointment by the President
12 for a term of three (3) years.

13 “The members of the Council may designate their
14 permanent representatives [who shall have a rank not lower than
15 an assistant secretary or its equivalent to meetings,] and shall
16 receive emoluments as may be determined by the Council in
17 accordance with existing budget and accounting rules and
18 regulations.”

19 SEC. 8. Section 22 of Republic Act No. 9208 is hereby amended to
20 read as follows:

21 “SEC. 22. *Secretariat to the Council.* – The Department
22 of Justice shall establish the necessary Secretariat for the
23 Council. **THE SECRETARIAT SHALL PROVIDE SUPPORT FOR**
24 **THE FUNCTIONS AND PROJECTS OF THE COUNCIL.**

25 **“THE SECRETARIAT SHALL BE HEADED BY AN**
26 **EXECUTIVE DIRECTOR, WHO SHALL BE APPOINTED BY THE**
27 **SECRETARY OF THE DOJ UPON THE RECOMMENDATION OF**

1 THE COUNCIL. THE EXECUTIVE DIRECTOR MUST HAVE
2 ADEQUATE KNOWLEDGE ON TRAINING AND EXPERIENCE IN
3 THE PHENOMENON OF AND ISSUES INVOLVED IN TRAFFICKING
4 IN PERSONS AND IN THE FIELDS OF LAW, LAW ENFORCEMENT,
5 SOCIAL WORK, CRIMINOLOGY, OR PSYCHOLOGY.

6 "THE EXECUTIVE DIRECTOR SHALL BE UNDER THE
7 SUPERVISION OF THE INTER-AGENCY COUNCIL AGAINST
8 TRAFFICKING THROUGH ITS CHAIRPERSON AND
9 CO-CHAIRPERSON, AND SHALL PERFORM THE FOLLOWING
10 FUNCTIONS:

11 "(A) ACT AS SECRETARY OF THE COUNCIL AND
12 ADMINISTRATIVE OFFICER OF ITS SECRETARIAT;

13 "(B) ADVISE AND ASSIST THE CHAIRPERSON IN
14 FORMULATING AND IMPLEMENTING THE OBJECTIVES,
15 POLICIES, PLANS, AND PROGRAMS OF THE COUNCIL,
16 INCLUDING THOSE INVOLVING MOBILIZATION OF
17 GOVERNMENT OFFICES REPRESENTED IN THE COUNCIL AS
18 WELL AS OTHER RELEVANT GOVERNMENT OFFICES, TASK
19 FORCES, AND MECHANISMS;

20 "(C) SERVE AS PRINCIPAL ASSISTANT TO THE
21 CHAIRPERSON IN THE OVERALL SUPERVISION OF COUNCIL
22 ADMINISTRATIVE BUSINESS;

23 "(D) OVERSEE ALL COUNCIL OPERATIONAL
24 ACTIVITIES;

25 "(E) ENSURE AN EFFECTIVE AND EFFICIENT
26 PERFORMANCE OF COUNCIL FUNCTIONS AND PROMPT
27 IMPLEMENTATION OF COUNCIL OBJECTIVES, POLICIES, PLANS,
28 AND PROGRAMS;

1 “(F) PROPOSE EFFECTIVE ALLOCATIONS OF
2 RESOURCES FOR IMPLEMENTING COUNCIL OBJECTIVES,
3 POLICIES, PLANS, AND PROGRAMS;

4 “(G) SUBMIT PERIODIC REPORTS TO THE COUNCIL ON
5 THE PROGRESS OF COUNCIL OBJECTIVES, POLICIES, PLANS,
6 AND PROGRAMS;

7 “(H) PREPARE ANNUAL REPORTS OF ALL COUNCIL
8 ACTIVITIES; AND

9 “(I) PERFORM OTHER DUTIES AS THE COUNCIL MAY
10 ASSIGN.”

11 SEC. 9. Section 24, paragraph (a) of Republic Act No. 9208 is hereby
12 amended to read as follows:

13 “SEC. 24. *Other Services for Trafficked Persons.* –

14 “(a) *Legal Assistance.* – Trafficked persons shall be
15 considered under the category ‘Overseas FilipinoS in Distress’
16 and may avail of the legal assistance created by Republic Act
17 No. 8042, AS AMENDED, subject to the guidelines as provided by
18 law.

19 “x x x.”

20 SEC. 10. Section 26 of Republic Act No. 9208 is hereby amended and
21 a new Section 26-A is inserted to read as follows:

22 “SEC. 26. *Extradition.* – The DOJ, in consultation with
23 DFA, shall [endeavor to] include offenses of trafficking in
24 persons among extraditable offenses.”

25 “SEC. 26-A. *EXTRA TERRITORIAL JURISDICTION.* –
26 THE STATE SHALL EXERCISE JURISDICTION OVER ANY ACT
27 DEFINED AND PENALIZED UNDER THIS ACT, EVEN IF
28 COMMITTED OUTSIDE THE PHILIPPINES AND WHETHER OR NOT

1 SUCH ACT OR ACTS CONSTITUTE AN OFFENSE AT THE PLACE OF
2 COMMISSION, IF THE SUSPECT OR ACCUSED:

3 “(A) IS A FILIPINO CITIZEN;

4 “(B) IS A PERMANENT RESIDENT OF THE PHILIPPINES;

5 OR

6 “(C) HAS COMMITTED THE ACT AGAINST A CITIZEN OF
7 THE PHILIPPINES.

8 “NO CRIMINAL PROCEEDINGS MAY COMMENCE AGAINST
9 ANY PERSON UNDER THIS SECTION IF A FOREIGN
10 GOVERNMENT, IN ACCORDANCE WITH JURISDICTION
11 RECOGNIZED BY THE PHILIPPINES, HAS PROSECUTED OR IS
12 PROSECUTING SUCH PERSON FOR THE CONDUCT
13 CONSTITUTING SUCH OFFENSE, EXCEPT UPON THE APPROVAL
14 OF THE SECRETARY OF JUSTICE.

15 “THE GOVERNMENT MAY SURRENDER OR EXTRADITE
16 PERSONS ACCUSED OF TRAFFICKING IN THE PHILIPPINES TO
17 THE APPROPRIATE INTERNATIONAL COURT, IF ANY, OR TO
18 ANOTHER STATE, PURSUANT TO APPLICABLE EXTRADITION
19 LAWS AND TREATIES.”

20 SEC. 11. Section 28 of Republic Act No. 9208 is hereby amended to
21 read as follows:

22 “SEC. 28. *Funding.* -- [The heads of the departments and
23 agencies concerned shall immediately include in their programs
24 and issue such rules and regulations to implement the provisions
25 of this Act, the funding of which shall be included in the annual
26 General Appropriations Act.] THE AMOUNT NECESSARY TO
27 IMPLEMENT THE PROVISIONS OF THIS ACT SHALL BE CHARGED
28 AGAINST THE CURRENT YEAR’S APPROPRIATIONS OF THE

1 **INTER-AGENCY COUNCIL AGAINST TRAFFICKING UNDER THE**
2 **BUDGET OF THE DOJ AND THE APPROPRIATIONS OF THE**
3 **OTHER CONCERNED DEPARTMENTS. THEREAFTER, SUCH**
4 **SUMS AS MAY BE NECESSARY FOR THE CONTINUED**
5 **IMPLEMENTATION OF THIS ACT SHALL BE INCLUDED IN THE**
6 **ANNUAL GENERAL APPROPRIATIONS ACT."**

7 SEC. 12. If any part or provision of this Act is declared invalid or
8 unconstitutional, the other parts hereof not affected thereby shall remain valid.

9 SEC. 13. Articles 202 of the Revised Penal Code, as amended, and all
10 laws, acts, presidential decrees, executive orders, administrative orders and
11 rules and regulations inconsistent with or contrary to the provisions of this Act
12 are deemed amended, modified or repealed accordingly.

13 SEC. 14. This Act shall take effect fifteen (15) days after completion of
14 its publication in two (2) newspapers of general circulation.

 Approved,

 O