

THE ANTI-TRAFFICKING IN PERSONS ACT

**Republic Act 9208
as Amended by
Republic Act 10364**

**Consolidated
Version**



Full Text with Implementing Rules and Regulations

REPUBLIC ACT 9208
as Amended by Republic Act 10364
(Consolidated Version)

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AND REGULATIONS**

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Consolidated Version
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The Anti-Trafficking in Persons Act

**Republic Act 9208
as Amended by Republic Act 10364**

Consolidated Version

GUIDE

1. Abbreviations found at end of clauses:
(n) – new section, chapter or title introduced by RA No. 10364
(a) – provision in RA No. 10364
2. No abbreviation - section or provisions of RA 9208 has been entirely preserved

The Anti-Trafficking in Persons Act (Republic Act No. 9208, as Amended by Republic Act No. 10364)

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” (n)

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

SEC. 1. Short Title. – This Act shall be known as the “Expanded Anti-Trafficking in Persons Act of 2012”. (n)

SEC. 2. Declaration of Policy. – It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of 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.

It shall be a State policy to recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Elimination of All Forms of Discrimination Against Women, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol

to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory. (a)

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

- (a) Trafficking in Persons – refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. (a)

The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph. (a)

- (b) Child – refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- (c) Prostitution – refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- (d) Forced Labor – refers to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of, force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception including any work or service extracted from any person under the menace of penalty. (a)
- (e) Slavery – refers to the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. (n)

- (f) Involuntary Servitude – refers to a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of the legal process. (n)
- (g) Sex Tourism – refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.
- (h) Sexual Exploitation – refers to participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of the person, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in this Act. (a)
- (i) Debt Bondage – refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.
- (j) Pornography – refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.
- (k) Council – shall mean the Inter-Agency Council Against Trafficking created under Section 20 of this Act.”

SEC. 4. Acts of Trafficking in Persons. – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

- (a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation; (*a*)
- (b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- (d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;
- (e) To maintain or hire a person to engage in prostitution or pornography;
- (f) To adopt persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage; (*n*)
- (g) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; (*a*)
- (i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child to engage in armed activities in the Philippines or abroad; (*a*)
- (j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide or receive a person by means defined in Section

3 of this Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either; (n)

- (1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or (n)
- (2) To abuse or threaten the use of law or the legal processes; and (n)
- (k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of baring and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include: (n)
 - (1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict; (n)
 - (2) The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances; (n)
 - (3) The use, procuring or offering of a child for the production and trafficking of drugs; and (n)
 - (4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals; and (n)
- (l) To organize or direct other persons to commit the offenses defined as acts of trafficking under this Act. (n)

SEC. 4-A. Attempted Trafficking in Persons. – Where there are acts to initiate the commission of a trafficking offense but the offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of trafficking in persons. As such, an attempt to commit any of the offenses enumerated in Section 4 of this Act shall constitute attempted trafficking in persons. (n)

In cases where the victim is a child, any of the following acts shall also be deemed as attempted trafficking in persons:

- (a) Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development, or a written permit or justification from the child's parent or legal guardian; (n)
- (b) Executing, for a consideration, an affidavit of consent or a written consent for adoption; (n)
- (c) Recruiting a woman to bear a child for the purpose of selling the child; (n)
- (d) Simulating a birth for the purpose of selling the child; and (n)
- (e) Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, daycare centers, refugee or evacuation centers, and low-income families, for the purpose of selling the child. (n)

SEC. 4-B. *Accomplice Liability.* – Whoever knowingly aids, abets, cooperates in the execution of the offense by previous or simultaneous acts defined in this Act shall be punished in accordance with the provisions of Section 10(c) of this Act. (n)

SEC. 4-C. *Accessories.* – Whoever has the knowledge of the commission of the crime, and without having participated therein, either as principal or as accomplices, take part in its commission in any of the following manners: (n)

- (a) By profiting themselves or assisting the offender to profit by the effects of the crime; (n)
- (b) By concealing or destroying the body of the crime or effects or instruments thereof, in order to prevent its discovery; (n)
- (c) By harboring, concealing or assisting in the escape of the principal of the crime, provided the accessory acts with abuse of his or her public functions or is known to be habitually guilty of some other crime. (n)

Acts defined in this provision shall be punished in accordance with the provision of Section 10(d) as stated thereto. (n)

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

- (a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;

- (b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers, overseas employment certificates or other certificates of any government agency which issues these certificates, decals and such other markers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons; (a)
- (c) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;
- (d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;
- (e) To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;
- (f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies; and
- (g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.
- (h) To tamper with, destroy, or cause the destruction of evidence, or to influence or attempt to influence witnesses, in an investigation or prosecution of a case under this Act; (n)
- (i) To destroy, conceal, remove, confiscate or possess, or attempt to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other travel, immigration or working permit or document, or any other actual or purported government identification, of any person in order to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person; or (n)

- (j) To utilize his or her office to impede the investigation, prosecution or execution of lawful orders in a case under this Act. (n)

SEC 6. *Qualified Trafficking in Persons.* - The following are considered as qualified trafficking:

- (a) When the trafficked person is a child;
- (b) When the adoption is effected through Republic Act No. 8043, otherwise known as the “Inter-Country Adoption Act of 1995” and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
- (d) When the offender is a spouse, an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee; (a)
- (e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- (f) When the offender is a member of the military or law enforcement agencies;
- (g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).
- (h) When the offender commits one or more violations of Section 4 over a period of sixty (60) or more days, whether those days are continuous or not; and (n)
- (i) When the offender directs or through another manages the trafficking victim in carrying out the exploitative purpose of trafficking.” (n)

SEC. 7. *Confidentiality.* – At any stage of the investigation, rescue, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners, as well as parties to the case, shall protect the right to privacy

of the trafficked person. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or any other information tending to establish the identity of the trafficked person and his or her family shall not be disclosed to the public. (a)

It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or electronic information technology to cause publicity of the name, personal circumstances, or any information tending to establish the identity of the trafficked person except when the trafficked person in a written statement duly notarized knowingly, voluntarily and willingly waives said confidentiality. (a)

Law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners shall be trained on the importance of maintaining confidentiality as a means to protect the right to privacy of victims and to encourage victims to file complaints. (n)

SEC. 8. *Initiation and Prosecution of Cases.* –

- (a) *Initiation of Investigation.* – Law enforcement agencies are mandated to immediately initiate investigation and counter-trafficking-intelligence gathering upon receipt of statements or affidavit from victims of trafficking, migrant workers, or their families who are in possession of knowledge or information about trafficking in persons cases. (n)
- (b) *Prosecution of Cases.* – Any person who has personal knowledge of the commission of any offense under this Act, such as the trafficked person, the parents, spouse, siblings, children or legal guardian may file a complaint for trafficking.
- (c) *Affidavit of Desistance.* – Cases involving trafficking in persons should not be dismissed based on the affidavit of desistance executed by the victims or their parents or legal guardians. Public and private prosecutors are directed to oppose and manifest objections to motions for dismissal. (n)

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

SEC 9. Venue. - A criminal action arising from violation of this Act shall be filed where the offense was committed, or where any of its elements occurred, or where the trafficked person actually resides at the time of the commission of the offense: Provided, That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

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

- (a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);
- (b) Any person found guilty of committing any of the acts enumerated in Section 4-A of this Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00); (n)
- (c) Any person found guilty of Section 4-B of this Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00); (n)

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

- (d) Any person found, guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- (e) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);
- (f) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- (g) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be

imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;

- (h) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;
- (i) If the offender is a foreigner, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country;
- (j) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His or her retirement and other benefits shall likewise be forfeited; and
- (k) Conviction, by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.

SEC. 11. Use of Trafficked Persons.—Any person who buys or engages the services of a trafficked person for prostitution shall be penalized with the following: Provided, That the Probation Law (Presidential Decree No. 968) shall not apply: (a)

- (a) *Prision Correccional* in its maximum period to prison mayor or six (6) years to twelve (12) years imprisonment and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00): Provided, however, That the following acts shall be exempted thereto: (n)
 - (1) If an offense under paragraph (a) involves sexual intercourse or lascivious conduct with a child, the penalty shall be reclusion

temporal in its medium period to reclusion perpetua or seventeen (17) years to forty (40) years imprisonment and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00); (n)

- (2) If an offense under paragraph (a) involves carnal knowledge of, or sexual intercourse with, a male or female trafficking victim and also involves the use of force or intimidation, to a victim deprived of reason or to an unconscious victim, or a victim under twelve (12) years of age, instead of the penalty prescribed in the subparagraph above the penalty shall be a fine of not less than One million pesos (P1,000,000.00) but not more than Five million pesos (P5,000,000.00) and imprisonment of reclusion perpetua or forty (40) years imprisonment with no possibility of parole; except that if a person violating paragraph (a) of this section knows the person that provided prostitution services is in fact a victim of trafficking, the offender shall not be likewise penalized under this section but under Section 10 as a person violating Section 4; and if in committing such an offense, the offender also knows a qualifying circumstance for trafficking, the offender shall be penalized under Section 10 for qualified trafficking. If in violating this section the offender also violates Section 4, the offender shall be penalized under Section 10 and, if applicable, for qualified trafficking instead of under this section; (n)
- (b) *Deportation.* – If a foreigner commits any offense described by paragraph (1) or (2) of this section or violates any pertinent provision of this Act as an accomplice or accessory to, or by attempting any such offense, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country; and (n)
- (c) *Public Official.* – If the offender is a public official, he or she shall be dismissed from service and shall suffer perpetual absolute disqualification to hold public, office, in addition to any imprisonment or fine received pursuant to any other provision of this Act. (n)

SEC. 12. Prescriptive Period. – Trafficking cases under this Act shall prescribe in ten (10) years: Provided, however, That trafficking cases committed by a syndicate or in a large scale as defined under Section 6, or against a child, shall prescribe in twenty (20) years. (a)

The prescriptive period shall commence to run from the day on which the trafficked person is delivered or released from the conditions of

bondage, or in the case of a child victim, from the day the child reaches the age of majority, and shall be interrupted by the filing of the complaint or information and shall commence to run again when the proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused. (a)

SEC 13. *Exemption from Filing Fees.* - When the trafficked person institutes a separate civil action for the recovery of civil damages, he/she shall be exempt from the payment of filing fees.

SEC 14. *Confiscation and Forfeiture of the Proceeds and Instruments Derived from Trafficking in Persons.* - In addition to the penalty imposed for the violation of this Act, the court shall order the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act; Provided, however, That all awards for damages shall be taken from the personal and separate properties of the offender; *Provided, further,* That if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

When the proceeds, properties and instruments of the offense have been destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has been concealed, removed, converted or transferred to prevent the same from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offense.

SEC 15. *Trust Fund.* - All fines imposed under this Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 hereof shall accrue to a Trust Fund to be administered and managed by the Council to be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but not limited to, the following:

- (a) Provision for mandatory services set forth in Section 23 of this Act;
- (b) Sponsorship of a national research program on trafficking and establishment of a data collection system for monitoring and evaluation purposes;
- (c) Provision of necessary technical and material support services to appropriate government agencies and non-government organizations (NGOs);

- (d) Sponsorship of conferences and seminars to provide venue for consensus building amongst the public, the academe, government, NGOs and international organizations; and
- (e) Promotion of information and education campaign on trafficking.

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

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

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

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

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

trafficked persons: (a)

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

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

- (c) Department of Labor and Employment (DOLE) – shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.
- (d) Department of Justice (DOJ) – shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups.
- (e) Philippine Commission on Women (PCW) – shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women’s issues. (a)
- (f) Bureau of Immigration (BI) – shall strictly administer and enforce immigration and alien administration laws. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement as provided for in this Act.

- (g) Philippine National Police (PNP) and National Bureau of Investigation (NBI) – shall be the primary law enforcement agencies to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. They shall closely coordinate with each other and with other law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. They shall also establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations. *(a)*
- (h) Philippine Overseas Employment Administration (POEA) and Overseas Workers and Welfare Administration (OWWA) – POEA shall implement Pre-Employment Orientation Seminars (PEOS) while Pre-Departure Orientation Seminars (PDOS) shall be conducted by the OWWA. It shall likewise formulate a system of providing free legal assistance to trafficked persons, in coordination with the DFA. *(a)*

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

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

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

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

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

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

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

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

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

SEC. 16-A. Anti-Trafficking in Persons Database. – An anti-trafficking in persons central database shall be established by the Inter-Agency Council Against Trafficking created under Section 20 of this Act. The Council shall submit a report to the President of the Philippines and to Congress, on or before January 15 of every year, with respect to the preceding year's programs and data on trafficking-related cases. (n)

All government agencies tasked under the law to undertake programs and render assistance to address trafficking in persons shall develop their respective monitoring and data collection systems, and databases, for purposes of ensuring efficient collection and storage of data on cases of trafficking in persons handled by their respective offices. Such data shall be submitted to the Council for integration in a central database system. (n)

For this purpose, the Council is hereby tasked to ensure the harmonization and standardization of databases, including minimum data

requirements, definitions, reporting formats, data collection systems, and data verification systems. Such databases shall have, at the minimum, the following information: (n)

- (a) The number of cases of trafficking in persons, sorted according to status of cases, including the number of cases being investigated, submitted for prosecution, dropped, and filed and/or pending before the courts and the number of convictions and acquittals; (n)
- (b) The profile/information on each case; (n)
- (c) The number of victims of trafficking in persons referred to the agency by destination countries/areas and by area of origin; and (n)
- (d) Disaggregated data on trafficking victims and the accused/defendants. (n)

SEC. 17. *Legal Protection to Trafficked Persons.* – Trafficked persons shall be recognized as victims of the act or acts of trafficking and as such, shall not be penalized for unlawful acts committed as a direct result of, or as an incident or in relation to, being trafficked based on the acts of trafficking enumerated in this Act or in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of a trafficked person to the intended exploitation set forth in this Act shall be irrelevant. (a)

Victims of trafficking for purposes of prostitution as defined under Section 4 of this Act are not covered by Article 202 of the Revised Penal Code and as such, shall not be prosecuted, fined, or otherwise penalized under the said law. (n)

SEC. 17-A. *Temporary Custody of Trafficked Victims.* – The rescue of victims should be done as much as possible with the assistance of the DSWD or an accredited NGO that services trafficked victims. A law enforcement officer, on a reasonable suspicion that a person is a victim of any offense defined under this Act including attempted trafficking, shall immediately place that person in the temporary custody of the local social welfare and development office, or any accredited or licensed shelter institution devoted to protecting trafficked persons after the rescue. (n)

SEC. 17-B. *Irrelevance of Past Sexual Behavior, Opinion Thereof or Reputation of Victims and of Consent of Victims in Cases of Deception, Coercion and Other Prohibited Means.* – The past sexual behavior or the sexual predisposition of a trafficked person shall be considered inadmissible in evidence for the purpose of proving consent of the victim to engage in sexual behavior, or to prove the predisposition, sexual or

otherwise, of a trafficked person. Furthermore, the consent of a victim of trafficking to the intended exploitation shall be irrelevant where any of the means set forth in Section 3(a) of this Act has been used. (n)

SEC. 17-C. Immunity from Suit, Prohibited Acts and Injunctive Remedies. – No action or suit shall be brought, instituted or maintained in any court or tribunal or before any other authority against any: (a) law enforcement officer; (b) social worker; or (c) person acting in compliance with a lawful order from any of the above, for lawful acts done or statements made during an authorized rescue operation, recovery or rehabilitation/intervention, or an investigation or prosecution of an anti-trafficking case: Provided, That such acts shall have been made in good faith. (n)

The prosecution of retaliatory suits against victims of trafficking shall be held in abeyance pending final resolution and decision of criminal complaint for trafficking. (n)

It shall be prohibited for the DFA, the DOLE, and the POEA officials, law enforcement officers, prosecutors and judges to urge complainants to abandon their criminal, civil and administrative complaints for trafficking. (n)

The remedies of injunction and attachment of properties of the traffickers, illegal recruiters and persons involved in trafficking may be issued motu proprio by judges. (n)

SEC 18. Preferential Entitlement Under the Witness Protection Program. - Any provision of Republic Act No. 6981 to the contrary notwithstanding, any trafficked person shall be entitled to the witness protection program provided therein.

SEC 19. Trafficked Persons Who are Foreign Nationals. - Subject to the guidelines issued by the Council, trafficked persons in the Philippines who are nationals of a foreign country shall also be entitled to appropriate protection, assistance and services available to trafficked persons under this Act: Provided, That they shall be permitted continued presence in the Philippines for a length of time prescribed by the Council as necessary to effect the prosecution of offenders.

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

- (a) Secretary, Department of Foreign Affairs;

- (b) Secretary, Department of Labor and Employment;
- (c) Secretary, Department of the Interior and Local Government;
(n)
- (d) Administrator, Philippine Overseas Employment Administration;
- (e) Commissioner, Bureau of Immigration;
- (f) Chief, Philippine National Police; (a)
- (g) Chairperson, Philippine Commission on Women; (n)
- (h) Chairperson, Commission on Filipinos Overseas; (n)
- (i) Executive Director, Philippine Center for Transnational Crimes;
and (n)
- (j) Three (3) representatives from NGOs, who shall include one (1) representative each from among the sectors representing women, overseas Filipinos, and children, with a proven record of involvement in the prevention and suppression of trafficking in persons. These representatives shall be nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years.

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

SEC 21. *Functions of the Council.* - The Council shall have the following powers and functions:

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

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

SEC. 22. Secretariat to the Council. – The Department of Justice shall establish the necessary Secretariat for the Council.

The secretariat shall provide support for the functions and projects of the Council. The secretariat shall be headed by an executive director, who shall be appointed by the Secretary of the DOJ upon the recommendation of the Council. The executive director must have adequate knowledge on, training and experience in the phenomenon of and issues involved in

trafficking in persons and in the field of law, law enforcement, social work, criminology, or psychology. (n)

The executive director shall be under the supervision of the Inter-Agency Council Against Trafficking through its Chairperson and Co-Chairperson, and shall perform the following functions: (n)

- (a) Act as secretary of the Council and administrative officer of its secretariat; (n)
- (b) Advise and assist the Chairperson in formulating and implementing the objectives, policies, plans and programs of the Council, including those involving mobilization of government offices represented in the Council as well as other relevant government offices, task forces, and mechanisms; (n)
- (c) Serve as principal assistant to the Chairperson in the overall supervision of council administrative business; (n)
- (d) Oversee all council operational activities; (n)
- (e) Ensure an effective and efficient performance of council functions and prompt implementation of council objectives, policies, plans and programs; (n)
- (f) Propose effective allocations of resources for implementing council objectives, policies, plans and programs; (n)
- (g) Submit periodic reports to the Council on the progress of council objectives, policies, plans and programs; (n)
- (h) Prepare annual reports of all council activities; and (n)
- (i) Perform other duties as the Council may assign. (n)

SEC 23. *Mandatory Services to Trafficked Persons.* - To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies shall make available the following services to trafficked persons:

- (a) Emergency shelter or appropriate housing;
- (b) Counseling;
- (c) Free legal services which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person;
- (d) Medical or psychological services;
- (e) Livelihood and skills training; and
- (f) Educational assistance to a trafficked child.

Sustained supervision and follow through mechanism that will track the progress of recovery, rehabilitation and reintegration of the trafficked persons shall be adopted and carried out.

SEC 24. *Other Services for Trafficked Persons.* -

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

SEC 25. *Repatriation of Trafficked Persons.* - The DFA, in coordination with DOLE and other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked persons, regardless of whether they are documented or undocumented.

If, however, the repatriation of the trafficked persons shall expose the victims to greater risks, the DFA shall make representation with the host government for the extension of appropriate residency permits and protection, as may be legally permissible in the host country.

SEC 26. *Extradition.* - The DOJ, in consultation with DFA, shall endeavor to include offenses of trafficking in persons among extraditable offenses.

SEC. 26-A. *Extra-Territorial Jurisdiction.* – The State shall exercise jurisdiction over any act defined and penalized under this Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, the crime being a continuing offense, having been commenced in the Philippines and other elements having been committed in another country, if the suspect or accused: (n)

- (a) Is a Filipino citizen; or (n)
- (b) Is a permanent resident of the Philippines; or (n)
- (c) Has committed the act against a citizen of the Philippines. (n)

No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the Philippines, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Secretary of Justice. (a)

The government may surrender or extradite persons accused of trafficking in the Philippines to the appropriate international court if any, or to another State pursuant to the applicable extradition laws and treaties. (a)

SEC 27. Reporting Requirements. - The Council shall submit to the President of the Philippines and to Congress an annual report of the policies, programs and activities relative to the implementation of this Act.

SEC. 28. Funding. – The amount necessary to implement the provisions of this Act shall be charged against the current year’s appropriations of the Inter-Agency Council Against Trafficking under the budget of the DOJ and the appropriations of the other concerned departments. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act. (a)

SEC. 28-A. Additional Funds for the Council. – The amount collected from every penalty, fine or asset derived from any violation of this Act shall be earmarked as additional funds for the use of the Council. The fund may be augmented by grants, donations and endowment from various sources, domestic or foreign, for purposes related to their functions, subject to the existing accepted rules and regulations of the Commission on Audit. (n)

SEC 29. Implementing Rules and Regulations. - The Council shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SEC 30. Non-restriction of Freedom of Speech and of Association, Religion and the Right to Travel. - Nothing in this Act shall be interpreted as a restriction of the freedom of speech and of association, religion and the right to travel for purposes not contrary to law as guaranteed by the Constitution.

SEC 31. Separability Clause. - If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SEC. 32. Repealing Clause. – Article 202 of the Revised Penal Code, as amended, and all laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly: Provided, That this Act shall not in any way amend or repeal the provisions of Republic Act No. 7610, otherwise known as the ‘Special Protection of Child Against Child Abuse, Exploitation and Discrimination Act. (a)

SEC. 33. Effectivity. – This Act shall take effect fifteen (15) days following its complete publication in at least two (2) newspapers of general circulation. (a)

May 26, 2003 (RA No. 9208)

February 26, 2013 (RA 10364)

**Revised Rules and Regulations
Implementing Republic Act 10364**

**REVISED RULES AND REGULATIONS IMPLEMENTING
REPUBLIC ACT NO. 9208, OTHERWISE KNOWN AS THE
“ANTI-TRAFFICKING IN PERSONS ACT OF 2003”, AS
AMENDED BY REPUBLIC ACT NO. 10364, OTHERWISE
KNOWN AS “THE EXPANDED ANTI-TRAFFICKING IN
PERSONS ACT OF 2012”**

Pursuant to the authority of the Inter-Agency Council Against Trafficking (IACAT) under Section 21(b) of Republic Act (R.A.) No. 9208, otherwise known as the “Anti- Trafficking in Persons Act of 2003”, and in light of the provisions of R.A. No. 10364, otherwise known as “The Expanded Anti-Trafficking in Persons Act of 2012”, the following rules and regulations are hereby promulgated to implement R.A. No. 9208, as amended:

**RULE I
GENERAL PROVISIONS
Article I
Preliminary Provisions**

Section 1. **Title.** These rules and regulations shall be known and cited as “The Revised Rules and Regulations Implementing Republic Act No. 9208, as amended by Republic Act No. 10364”.

Sec. 2. **Purpose.** These rules and regulations are hereby promulgated to prescribe the procedures and guidelines for the implementation of R.A. No. 9208, as amended by R.A. No. 10364, in order to facilitate compliance therewith and achieve the objectives thereof.

Sec. 3. **State Policies.**

- (a) The State values the dignity of every human person and guarantees the respect for individual rights. Towards this end, the State shall give the highest priority to the enactment of measures and development of 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.

(b) The State also recognizes the equal rights and inherent human dignity of women and men, as well as the rights of children, as enshrined and guaranteed in the following international instruments:

- (i) Universal Declaration of Human Rights;
- (ii) Convention on the Elimination of All Forms of Discrimination Against Women;
- (iii) Convention on the Rights of the Child and its optional protocols;
- (iv) Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- (v) Convention Against Transnational Organized Crimes including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- (vi) ILO Convention No. 182, Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor; and
- (vii) All other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a State Party.

(3) In all actions concerning children, their best interests shall be the paramount consideration.

Sec. 4. **Construction.** These rules and regulations shall be liberally construed in favor of trafficked persons to promote their human dignity; ensure their recovery, rehabilitation and reintegration into the mainstream of society; eliminate trafficking in persons; and achieve the objectives of the Act.

Nothing in these rules and regulations shall be interpreted as a restriction of the freedom of association, freedom of religion and the right to travel for purposes not contrary to law as guaranteed by the Constitution.

Article II Definition of Terms

Sec. 5. **Definition of terms.** As used in these rules and regulations, unless the context otherwise requires, the following terms shall be understood to mean:

- (a) *Act* - refers to Republic Act No. 9208, as amended;
- (b) *Child* - refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;
- (c) *Council* - refers to the Inter-Agency Council Against Trafficking (IACAT) created under Section 20 of the Act;
- (d) *Debt Bondage* - refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt;
- (e) *Extradition* – refers generally to the surrender of an accused or convicted person from one state or country to another state or country that seeks to place the accused on trial, or for the service of sentence in case of convicted persons, for violation of any of its laws;
- (f) *Extra-territoriality* - refers to the exercise of jurisdiction by the Philippines over any act defined and penalized under the Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, the crime being a continuing offense, having been commenced in the Philippines and other elements having been committed in another country, if the suspect or accused:
 - (1) Is a Filipino citizen; or
 - (2) Is a permanent resident of the Philippines; or
 - (3) Has committed the act against a citizen of the Philippines;
- (g) *Forced Labor* - refers to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom,

abuse of authority or moral ascendancy, debt- bondage or deception including any work or service extracted from any person under the menace of penalty;

- (h) *Involuntary Servitude* - refers to a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of the legal process;
- (i) *Pornography* - refers to any representation through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person primarily for sexual purposes;
- (j) *Prostitution* - refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration;
- (k) *Slavery* - refers to the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised;
- (l) *Sex Tourism* - refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military;
- (m) *Sexual Exploitation* - refers to participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of the person, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in the Act.

- (n) *Trafficking in Persons* - refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons, with or without the victim's consent or knowledge, within or across national borders, by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph.

RULE II

REPORTING, INVESTIGATION AND OTHER LAW ENFORCEMENT ACTION

Article I

Reporting of Suspected/Alleged Trafficking Incident

Sec. 6. ***Who may and where to report.*** Any person who has any knowledge or learns of facts or circumstances that give rise to a reasonable belief that a person will be, or suspected to be, or is in the process of being trafficked shall immediately report the incident, either orally, in writing or through other means, to *barangay* authorities, the local social welfare and development office (LSWDO), the nearest police or other law enforcement agencies, the Local Council for the Protection of Children (LCPC), or any member of the Council or local anti-trafficking committee.

A report may also be made to the IACAT Anti-Trafficking Task Force or through the IACAT 1343 Action Line.

Sec. 7. ***Report of an international trafficking case.*** Report of cases of alleged or suspected international trafficking may be made to the authorities mentioned in Rule III hereof, or to the Office of the

Undersecretary for Migrant Workers Affairs (OUMWA) of the Department of Foreign Affairs (DFA), or to the Philippine Embassy/Consulate which has jurisdiction over the place where the trafficking occurred or where the trafficked person is or may be found.

Sec. 8. **Receipt of a report.** The person who receives the report shall act on it according to his or her mandate or to that of the agency or unit he or she represents. If the case requires urgent action, it should be immediately referred to the appropriate agency.

Sec. 9. **Action on the reported trafficking incident by barangay authorities and LSWDO.** The *barangay* authorities or LSWDO to whom a report of a suspected or alleged trafficking incident is made shall immediately get the pertinent details of the trafficking incident from the person who made the report, such as but not limited to:

- (a) The name, address, age and sex of the trafficked person;
- (b) The location of the victim and/or where the trafficking incident occurred;
- (c) The name and address of the alleged or suspected recruiter or trafficker;
- (d) The manner of committing the alleged recruitment or trafficking; and
- (e) The names and addresses of witnesses, if any.

Such report and any available information obtained from the reporter shall be entered preferably in a separate logbook or blotter of the *barangay*.

The *barangay* authorities or the LSWDO shall accompany the informant or refer the case to the nearest police station.

When the alleged trafficking incident has just happened and it is likely that the traffickers could be intercepted/arrested and/or the victims could be rescued, the *barangay* authorities shall immediately coordinate with the nearest police authorities.

Article II

Law Enforcement Action on a Reported/Referred Case of Trafficking

Sec. 10. ***Action of law enforcement agencies on a reported case of trafficking.*** Any law enforcement agency (LEA) that receives a report or a referral of a suspected trafficking incident should gather the relevant information from the informant or the referring agency or organization such as, but not limited to, those enumerated in Section 9 hereof.

Sec. 11. ***Taking of statements of persons in possession of information about a suspected trafficking incident.*** The concerned LEA may invite any person who knows or who is in possession of knowledge or information about the reported trafficking incident. The information provided shall be evaluated by the LEA for the purpose of determining their sufficiency to support the filing of a case or the conduct of the necessary law enforcement operation.

Sec. 12. ***Conduct of further investigation or intelligence gathering.*** When the information provided is not enough to warrant the filing of a case or undertake the necessary law enforcement operation, the LEA shall conduct further investigation or intelligence gathering.

Article III

Conduct of Law Enforcement Operations and Protection of Rescued Persons During and After an Operation

Sec. 13. ***Objectives of a law enforcement operation.*** A law enforcement operation should aim to:

- (a) Rescue, protect and assist the trafficked person;
- (b) Arrest the suspects in the act of committing an offense; and
- (c) Seize evidence to support eventual prosecution of the suspects.

Sec. 14. ***General guidance in the conduct of law enforcement operations.*** To obtain maximum results and achieve the objectives mentioned in Section 13 hereof, the LEA conducting operations should:

- (a) Carry-out a pro-active investigation, i.e., conduct prior intelligence work and information gathering, to ensure that the law enforcement operation will eventually result in the successful prosecution of the case and the protection of trafficked persons.

- (b) Obtain a search warrant unless the interest of time, safety of the trafficked persons and other analogous circumstances require otherwise.
- (c) Coordinate, when necessary, with other relevant agencies to facilitate the successful conduct of the operation.
- (d) Cordon off and secure the place where exploitation occurs or where the trafficked persons are found to ensure the integrity of the evidence until the investigation has been completed.

Sec. 15. ***Coordination with DSWD, LSWDO, NGO and other relevant government agencies prior to the conduct of law enforcement operation.*** The team conducting a law enforcement operation should coordinate with DSWD, or the LSWDO of the place where the operation will be conducted, or an accredited NGO that services trafficked persons and ensure their presence during the operation. The DSWD, LSWDO or NGO social worker or any registered and accredited social worker shall provide protection and assistance to trafficked persons as soon as they are in the custody of the authorities. In cases where there is a large number of trafficked persons to be rescued, the attending social worker may, prior to or after the rescue, request reinforcement from nearest DSWD Field Office/LSWDO/NGO.

The team may coordinate with other relevant government agencies as the situation requires.

Sec. 16. ***Treatment of trafficked persons during a rescue operation.*** The members of the rescue team shall ensure the full protection of the rights of trafficked persons during an operation. Immediately after the rescue, the team shall separate the trafficked persons from the suspected traffickers. The rescued trafficked persons shall be removed from the scene and immediately endorsed to the care and assistance of the social workers.

In the absence of a DSWD/local facility, the trafficked persons shall be turned over to a secure and suitable place or facility of an accredited NGO or a church/faith group.

Sec. 17. ***Treatment of rescued trafficked persons immediately after the rescue.*** The DSWD/LSWDO/accredited NGO shall ensure that the immediate needs of trafficked persons are addressed after the rescue. When they have stabilized and the situation has normalized, they shall be informed of the situation and the legal processes that will take place following the operation, such as the conduct of an investigation, the taking of their statements and their appearance before a prosecutor for inquest proceedings. They shall likewise be informed of the assistance and the options available to them.

Sec. 18. **Temporary custody of trafficked persons.** Rescued trafficked persons including victims of attempted trafficking shall be immediately placed in the temporary custody of the DSWD, or LSWDO, registered social worker or any accredited or licensed shelter institution devoted to protecting trafficked persons. These service providers shall provide the necessary assistance to the rescued trafficked persons and shall be responsible for their appearance during investigation and/or court hearings in coordination with law enforcement agencies.

Sec. 19. **Taking of statement.** The sworn statement of the rescued trafficked persons shall be taken after they have been informed about, and are able to understand, the legal procedures and the value of them giving the statement. As much as possible, the statement shall be taken in a place conducive for conducting interviews, in the presence of a registered social worker, and in a child- and gender- sensitive manner. In the absence of a registered social worker, any person trained in a child- and gender-sensitive interview techniques may accompany the trafficked victim. A joint interview by an investigator and a social worker should be explored to avoid repetitive interviews and the same may be documented by any available medium of recording with the consent of the trafficked person or his or her guardian.

Sec. 20. **Documentation and processing after the rescue operation.** The rescue team shall process and prepare the following:

- (a) For prosecutorial purposes, evidence such as, but not limited to, sworn statements of trafficked persons and witnesses; affidavit of arrest, when a suspected trafficker has been arrested; and the pieces of evidence obtained from the crime scene.
- (b) For reportorial purposes, reports on the rescue operation, including the list of the rescued trafficked persons, their sexes and ages and their profile. Such report shall be submitted to the IACAT Secretariat within 15 days from rescue operation. The IACAT shall prescribe the standard reporting template.

Article IV Interception and Arrests at Exit Points

Sec. 21. ***Who may intercept and arrest at exit points.*** The interception of trafficking incidents and arrest of traffickers at exit points shall be the primary responsibility of the IACAT Task Force Against Trafficking referred to in Section 150 herein, if present, or by any LEA assigned thereat.

Sec. 22. ***Procedure in the interception, arrest and investigation of traffickers in persons at international airport or seaport.***

- (a) When an offense punishable under the Act or any other offense in relation thereto or in furtherance thereof has been committed, or is actually being committed in the presence of any member of LEA, or a law enforcement member of the anti-trafficking task force, or an immigration officer assigned at the international airport or seaport, such officer shall immediately cause the interception and/or arrest of the persons involved.
- (b) The IACAT anti-trafficking task force or the LEA responsible for the arrest of the alleged trafficker shall investigate the case. It shall execute the proper affidavit of arrest, gather and conduct an inventory of the evidence obtained from the person arrested, and take the statement of the trafficked persons or other witnesses. As soon as the documentation is completed, the complaint and supporting documents and evidence shall be endorsed to the prosecutor for inquest.
- (c) The task force or the LEA shall take full custody over the person arrested including his or her appearance during the inquest proceeding.

Sec. 23. ***Procedure in the interception at seas.*** When an interception is done within territorial waters, the authorities concerned shall immediately coordinate with the IACAT Task Force for the proper turn-over of the intercepted persons and the rescued trafficked persons.

Sec. 24. ***Rights of the person arrested, investigated or detained.*** In all cases, the rights of the person arrested, investigated or detained as provided by the Philippine Constitution and under Republic Act No. 7438 (An Act Defining Certain Rights of Persons Arrested, Detained or Under Custodial Investigation as well as The Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties For Violations Thereof) shall, at all times, be respected.

Article V

Deferred Departure of Potential Trafficked Persons

Sec. 25. ***Strict departure policy.*** Strict departure policy shall be implemented primarily to avert a potential trafficking situation and protect possible victims of trafficking in persons from exploitation. In no case shall said policy violate the right of persons to travel.

Sec. 26. ***Guidelines and procedures for deferred departure.*** Any departing passenger with fraudulent travel or exit documents or with a doubtful purpose of travel, or who, based on reasonable suspicion or risk assessment, could be a potential victim of trafficking in persons, may defer the departure by the Bureau of Immigration (BI) in accordance with the procedures and guidelines set forth below and with any subsequent guidelines that may hereafter be issued by IACAT or other competent authorities.

- (a) ***Receipt of a report of a suspected trafficking situation.*** In case the IACAT Task Force receives information that a departing passenger is a possible victim of trafficking in persons, the task force shall coordinate with the Travel Control and Enforcement Unit (TCEU) for interception at primary inspection of the Bureau of Immigration.
- (b) ***Detection at primary inspection.*** When the immigration officer at primary inspection identifies a passenger with fraudulent travel documents, or doubts the purpose of travel of a passenger, or suspects a possible trafficking case, said officer may defer the departure of such passenger or refer him or her to the TCEU for secondary inspection.
- (c) ***Action during secondary inspection.*** The passenger whose departure was deferred or those referred for secondary inspection shall be required to fill-up the Border Control Questionnaire (BCQ). His or her travel documents shall be examined. An interview shall be conducted to determine facts and circumstances surrounding his or her travel.
- (d) ***Initial determination of a trafficking incident.*** If a trafficking situation has been initially determined after interview and assessment of the passenger, the TCEU officer shall defer the departure of the passenger and execute the Affidavit of Deferred Departure. The said passenger and all his or her pertinent documents, including the passport, shall be turned over to the IACAT Task Force for further investigation. The task force shall endorse the said passport to the DFA within thirty (30) days after such turn-over.

- (e) **Investigation by the IACAT Task Force.** The IACAT Task Force shall conduct investigation to determine the presence of elements constituting an offense of trafficking in person, identify persons and entities involved, and file the appropriate charges.
- (f) **Turn-over of the trafficked person to DSWD/LSWDO/ NGO.** The passenger whose departure was deferred and has been determined to be a trafficked person or potential victim of attempted trafficking shall be turned-over by the IACAT Task Force to the DSWD, or the local social welfare and development office, or any accredited or licensed shelter institution devoted to protecting trafficked persons for appropriate services or interventions.
- (g) **Endorsement to POEA.** If the case also violates recruitment laws and regulations, the case shall likewise be reported to POEA for appropriate action, such as instituting administrative action against the agency, if such is found to have been involved.

Sec. 27. **Deferred departure database.** The BI shall maintain a deferred departure database in accordance with its rules and regulations. As much as possible, such database shall be available in all international ports of entry and exit and should have connectivity features. The IACAT shall, as far as practicable, support the establishment of such database.

Article VI

Financial Investigation, Asset Identification and Freezing

Sec. 28. **Investigation on the assets and/or properties of traffickers.** When a person is arrested/investigated in relation to a violation of the Act, a parallel investigation shall be conducted in order to determine whether or not such assets are fruits of his alleged illegal activities. Such inquiry shall include, but is not limited to:

- (a) Locating the property and/or asset;
- (b) Identifying its ownership and use; or
- (c) Tracking other financial transactions and activities employed in connection with, or in furtherance of, any of the prohibited acts defined in the Act.

The law enforcement agency may coordinate with the appropriate government agencies to obtain vital information or evidence.

Sec. 29. **Requesting freeze orders through the Anti-Money Laundering Council (AMLC).** The law enforcement agency or any other concerned agency may transmit such relevant information and/or evidence to the Anti-Money Laundering Council (AMLC), which include, among others:

- (a) Name and address, if known, of the account holder, or the owner, holder or possessor of the property;
- (b) Description of the monetary instrument, property or proceeds and its location, if known; or
- (c) Evidence showing that the subject monetary instrument, property, or proceeds are in any way related to or involved in any of the prohibited activities defined in the Act.

The AMLC shall file the petition for the issuance of a freeze order, in accordance with the Rules on Civil Forfeiture.

Article VII Blacklisting of Recruitment Agencies and Illegal Recruiters

Sec. 30. **Creation of a blacklist.** The POEA shall create a blacklist of recruitment agencies, illegal recruiters and persons who are involved in trafficking in persons.

Sec. 31. **Who may be included in the blacklist.** The following shall be included in the blacklist:

- (a) Any person or entity facing administrative, civil and/or criminal charges in the receiving country or in the Philippines in connection with alleged involvement in trafficking in persons such as:
 - i) Individual persons and entities;
 - ii) Philippine recruitment/manning agencies with the names of its corporate officers, executive officers, and employees, if known;
 - iii) Foreign placement agencies with the names of its corporate officers, executive officers and employees, if known; and
 - iv) Direct employers.

In case the direct employer is a juridical person, the names of its corporate officers, executive officers, and employees, if known

- (b) Any person or entity involved in the trafficking of persons who have been rescued by DFA or DOLE, in the receiving country or in the Philippines, where the trafficked persons have named or accused said person or entity in a verified affidavit.

Sec. 32. **Who may request for blacklisting.** The following may request for blacklisting:

- (a) Any member of the Council, in cases involving those who are facing administrative, civil and/or criminal action, by attaching in the request a copy of the complaint duly docketed by the court or body having jurisdiction over the case; and
- (b) The Secretary of Labor and Employment or the Secretary of Foreign Affairs or their authorized representatives, for persons or entities who are involved in the trafficking of the persons rescued by them, whether overseas or in the Philippines, accompanied by a detailed report on the rescue operations and the verified affidavit of the rescued victim/survivor attesting to the act/s of trafficking and naming and describing the involvement of such persons or entities.

Sec. 33. **Posting and updating of the blacklist.** The POEA shall disseminate the blacklist to Council members and other concerned government agencies, with advice to post the same in conspicuous places of their respective offices, including their regional offices and in their official websites. The blacklist shall likewise be posted by the POEA in its own website and in the shared government information system, which is mandated to be established under Republic Act No. 8042, as amended.

The POEA shall likewise update such blacklist bi-monthly. For this purpose, the members of the Council should continually inform POEA of the updates on the cases they have requested to be included in the blacklist.

Sec. 34. **Suspension or cancellation of license.** In accordance with its Rules, the POEA may issue an Order of Preventive Suspension or Order of Temporary Disqualification against licensed recruitment/manning agencies and/or principals/employers included in the blacklist.

When the criminal, civil and administrative case is resolved against the recruitment or manning agencies or its corporate officers, owners, president, manager, partners and/or any responsible officer, the POEA shall commence administrative proceedings and impose appropriate penalties including cancellation of the license of the recruitment or manning agency and the perpetual disqualification of individuals or officers of a licensed recruitment agency as may be warranted in accordance with its rules.

Sec. 35. ***De-listing from the blacklist.***

- (a) Blacklisted persons/entities facing administrative, civil and/or criminal action may request for the delisting of their names in the Blacklist by submitting an order of dismissal or final order or decision exonerating them from the charges from the court or body where the case has been filed.
- (b) As regards those who have been recommended by the Secretary of Foreign Affairs or Secretary of Labor and Employment to be blacklisted, the persons or entities may be delisted *motu proprio* upon the expiration of the six (6) month period from blacklisting, unless a criminal, civil and/or criminal case has been pursued by the trafficked person. In the latter case, the delisting shall be made in accordance with paragraph (a) of this Section.

**RULE III
RESCUE, RECOVERY AND REPATRIATION OF VICTIMS OF
INTERNATIONAL TRAFFICKING**

**Article I
Rescue/Recovery**

Sec. 36. ***The Country-Team Approach.*** The One Country-Team Approach (OCTA) under Executive Order No. 74, series of 1993, and as further enunciated in Republic Act No. 8042, as amended, shall be the operational scheme under which Philippine embassies abroad shall provide protection to trafficked persons regardless of their immigration status. Under the OCTA, all officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies shall act as one-country team with mission under the leadership of the Ambassador or the head of mission.

Sec. 37. ***Action on a report of international trafficking.*** When a report of a trafficking incident is received, the embassy or consulate which has jurisdiction over the place where the victim is believed to have been trafficked shall, in coordination with the authorities of the host government, ascertain the veracity of the report and inquire about the condition of the victim. The embassy or consulate shall also request such authorities to allow the access of consular officers to Filipino nationals in accordance with the Vienna Convention on Consular Relations, and the laws and regulations of the host country.

Sec. 38. ***Special mission team.*** In emergency and other cases as may be authorized by the Secretary of Justice, in consultation and close coordination with the Secretary of Foreign Affairs, the IACAT may dispatch an inter-agency team abroad to assess the situation of trafficked persons, gather information from key individuals and entities for the purpose of strengthening prosecution of cases in the Philippines, or coordinate rescue of a number of trafficked persons. The mission shall be conducted in accordance with existing applicable treaties and/or subject to the laws, rules and regulations of the host country.

A mission order shall be issued by the Secretary of Justice defining therein the specific objectives of the mission and outlining the parameters of the team's actions in the host country. After each mission, the team shall submit a written report to the Secretary of Justice, copy furnished the Secretary of Foreign Affairs.

Sec. 39. ***Rescue at the country of destination.***

- (a) All rescue operations shall be made through, or coordinated with the concerned police, anti-human trafficking committee and other authorities of the host country.
- (b) In no case shall any Philippine government official conduct or participate in a rescue operation abroad without prior notice to the ambassador or head of mission. The ambassador or head of mission shall assign a foreign service officer to be the mission's focal person for trafficking in persons. The said officer shall seek and maintain access and communication with Filipino nationals subject of rescue operations in accordance with the Vienna Convention on Consular Relations, and other existing diplomatic and consular norms and practices. He/she shall then report to the ambassador or head of mission particularly on whether the rights and best interests of the victims are protected and prioritized.
- (c) Government officials involved in any rescue operations abroad must provide the ambassador or the head of mission with timely and accurate information, especially after such operations.

In countries where the foreign government requires Filipino victims of trafficking to remain in their custody, the ambassador or his duly authorized representative shall make the necessary representation to the host country to secure custody of the victims, or at the very least, to ensure that the victims are given access to consular officers as provided under the Vienna Convention on Consular Relations.

Sec. 40. ***Post-rescue services and assistance.*** In countries or areas where the services of the Migrant Workers and Overseas Filipinos Resource Center (MWOFRFC) are not accessible, the embassy or consulate shall extend off-site services to trafficked persons regardless of their status in the host country.

Article II

Filing of trafficking cases at destination

Sec. 41. ***Taking of sworn statement on-site.*** The embassy or consulate shall encourage the trafficked person to execute a statement, recounting among others, the people/establishment involved in the recruitment/transfer and deployment, the modus operandi employed to recruit, transport and deploy the victim and other pertinent information which could provide a lead in the investigation and eventual prosecution of the perpetrators. The statement shall be sworn to before authorized officials of the embassy or consulate, provided that, the execution of the sworn statement and other such matters relating to the investigation must be done consistent with full respect to the rights and dignity of trafficked persons, and must not impede the immediate assistance and delivery of mandatory services to them.

Sec. 42. ***Filing of cases in host country.*** The embassy or consulate shall extend all possible assistance to a victim of trafficking who wishes or opts to file the case in the host country or in the country where he/she is found and where the laws of the country allows the prosecution of a trafficking offense or a related or similar offense.

Sec. 43. ***Access to the Legal Assistance Fund.*** Trafficked persons shall be considered under the category “Overseas Filipinos in Distress” and may avail of the Legal Assistance Fund created by Republic Act No. 8042, as amended, subject to the guidelines as provided by law, including rules and regulations issued by the DFA as to its utilization and disbursement.

Article III Repatriation

Sec. 44. **Repatriation of trafficked persons.** The DFA, in coordination with DOLE and other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked persons, regardless of their status in the host country.

If their repatriation shall expose them to greater risks, or shall hinder the prosecution of traffickers abroad, the DFA, upon the consent of the trafficked person, shall make representation with the host government, whenever necessary, for the extension of appropriate residency permits and protection, as may be legally permissible.

Sec. 45. **Repatriation costs.** In accordance with existing rules and regulations on the use and disbursement of Assistance-to-Nationals Fund of the DFA for the repatriation of distressed OFWs, the Post shall immediately request the DFA, through the Office of the Undersecretary for Migrant Workers' Affairs (OUMWA), allocation of funds for the repatriation of the trafficked persons.

Sec. 46. **Issuance of travel document.** In case the passport of the trafficked person is lost or confiscated by the traffickers or employers abroad and cannot be retrieved, the embassy or consulate shall issue a travel document to facilitate exit from the country of destination and entry into the Philippines.

Sec. 47. **Notice of repatriation.** The embassy or consulate concerned shall report to the DFA, through OUMWA, the actual date of repatriation and other pertinent information. OUMWA shall refer the arrival of the trafficked persons to OWWA and the IACAT Joint Task Force designated at the point of entry for arrival services and the provision of appropriate services, including referrals in accordance with the National Referral System.

Sec. 48. **Repatriation of trafficked persons with special conditions.** In appropriate cases, especially when the trafficked person is psychologically challenged, has suffered physical or sexual abuse, or has received serious threats to his or her life and safety, he/she will be met upon arrival in the Philippines by DSWD personnel, in coordination with the Joint Task Force Against Trafficking in Persons and other government agencies such as OWWA, BI and DOH. Where necessary, the Post shall designate a duly authorized individual to escort said trafficked persons to the Philippines.

Sec. 49. **Filing of case in the Philippines.** The trafficked person will be encouraged to execute a sworn statement, if he or she has not done so before, with the view of filing the appropriate charges against the suspected trafficker in the Philippines. The IACAT Joint Task Force shall interview the trafficked person and make recommendation for investigation and filing of appropriate cases. In cases where licensed recruitment agencies are involved or those whose licenses have been cancelled or suspended, the case shall also be referred to the POEA for the institution of administrative proceedings or criminal action as the case may be.

Sec. 50. **Right to information of trafficked persons.** Trafficked persons shall be immediately provided information about their rights, the nature of protection and available assistance and support. Such information shall be provided in a language that the trafficked persons understand.

When the trafficked person is a child, interviews, examination and other forms of investigation shall be conducted by specially trained professionals in a suitable environment and in a language that the child uses and understands.

Sec. 51. **Linkaging with other non-state actors.** The embassies and consulates shall establish partnerships with civil society groups, Filipino communities, faith-based groups and non-government organizations in the host country to mobilize support for the rescue, protection, and delivery of services to trafficked persons.

Sec. 52. **Documentation and referrals.** All embassy and consular officials including labor and welfare officers and other officials extending assistance to trafficked persons shall utilize the National Recovery and Reintegration Database (NRRD) and National Referral System (NRS) for documenting and tracking service delivery and referrals.

The concerned agencies such as DFA, DSWD, DOLE and OWWA shall issue corresponding directives to ensure uniform compliance with documentation and referral standards contained in the NRRD and NRS.

RULE IV EXTRA-TERRITORIALITY PRINCIPLE AND INTERNATIONAL LEGAL COOPERATION

Article I Extra-territoriality Principle

Sec. 53. ***Extra-territorial jurisdiction.*** The State may exercise jurisdiction over any act defined and penalized under the Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission.

Sec. 54. ***Jurisdictional requirements.*** The State may take cognizance of a trafficking offense punishable under the Act under the following circumstances:

- (a) The offense must have commenced in the Philippines and the other elements having been committed in another country; and
- (b) The suspect or accused is a Filipino citizen; or a permanent resident of the Philippines; or has committed the act against a citizen of the Philippines.

Sec. 55. ***Prohibition.*** No prosecution may be commenced against a person under this Rule if a foreign government, in accordance with jurisdiction recognized by the Philippines, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Secretary of Justice.

Article II Extradition of an Accused or Convicted Person Subject of Prosecution for a Trafficking Offense

Sec. 56. ***Extradition.*** The extradition of an accused or convicted person for a trafficking offense punishable under the Act shall be pursued in accordance with the provisions of Presidential Decree (P.D.) No. 1069 and the applicable extradition treaty. Such person may only be extradited from a country with which the Philippines has an extradition treaty, or a State Party to a multilateral treaty in which the Philippines is also a State Party, or as may hereafter be allowed by law.

Sec. 57. **Who may request extradition and where the request should be made.** A law enforcement agency or any interested party seeking to extradite a person accused or convicted for violation of the Act, including those covered by the application of the territoriality principle, may request the extradition of such person through the Legal Staff of the Department of Justice.

Sec. 58. **Request; form and content.** The request for extradition to the Department of Justice shall be in writing duly signed by the head of the requesting agency or by the interested party, supported by relevant documentary evidence, and as much as possible state therein the following information:

- (a) The fullest particulars as to the name and identity of the accused and his whereabouts, if known;
- (b) A recital of the acts for which extradition is requested;
- (c) The acts or omissions constituting the offense, and the time and place of the commission of these acts;
- (d) The text of the applicable law or a statement of the contents of said law, and the designation or description of the offense by the law, sufficient for evaluation of the request; and
- (e) Such other documents or information that the DOJ may require pursuant to the extradition law and applicable treaties.

Sec. 59. **Duty of the Legal Staff of DOJ.** The lawyer/s assigned to handle the extradition request shall review the case and determine whether the request can be given due course in accordance with the requirements of P.D. No. 1069 and the applicable treaty, including the sufficiency of information and documentary requirements. Any further information or document required to support the request for extradition with the country where the person to be extradited is located, shall be communicated to the requesting party.

Article III

Requests for Mutual Legal Assistance on Criminal Matters

Sec. 60. **Legal assistance from a foreign State.** In the investigation or prosecution of the offenses defined under the Act, including those covered by the application of the extra-territoriality principle, a request for legal assistance may be made with a foreign State on the basis of law, treaty and/or reciprocity. Such assistance may include:

- (a) Taking of evidence or obtaining voluntary statements from persons;
- (b) Making arrangements for persons to give evidence or to assist in criminal matters;
- (c) Effecting service of judicial documents;
- (d) Executing searches and seizures;
- (e) Examining objects and sites;
- (f) Providing or obtaining original or certified true copies of relevant documents, records and items of evidence;
- (g) Identifying or tracing property derived from the commission of an offense under the Act and instrumentalities of such offense;
- (h) Restraining of dealings in property or the freezing of property derived from the commission of an offense that may be recovered, forfeited or confiscated;
- (i) Recovery, forfeiture or confiscation of property derived from the commission of an offense under the Act;
- (j) Locating and identifying witnesses and suspects; and
- (k) Such other type of assistance consistent with the objective of the Act and the laws of the requested State.

Sec. 61. ***Request; where to be made.*** Any law enforcement or office conducting preliminary investigation or prosecution agency desiring to seek the assistance of a foreign State in criminal matters may submit the request through the Legal Staff, which shall in turn make the formal request pursuant to a law, treaty and/or reciprocity. The request shall specifically detail the assistance to be requested.

Sec. 62. ***Execution of requests for assistance; Limitations.*** A request for assistance shall be executed in accordance with Philippine laws. Where the request for assistance is made pursuant to a treaty, the provisions of the treaty shall be considered in the execution of the request.

The DOJ may refuse to carry out a request for assistance if its execution would be inconsistent with Philippine laws or would likely prejudice the national interest of the Philippines.

Article IV

Deportation, Forced Removal or Return

Sec. 63. ***Request for deportation, forced removal or return.*** Aside from ways or modes of legal cooperation under this Rule, the Philippines may request for the deportation, forced removal or return to the country of any Filipino citizen or a permanent resident of the Philippines who is convicted, charged or facing prosecution for a trafficking offense under the Act when the subject is in hiding, residing or in a temporary sojourn in the territory of another State.

Sec. 64. *Procedure.*

- (a) All requests for deportation from another country of a person convicted, charged or facing prosecution for a trafficking offense under the Act shall be submitted to the Legal Staff of the Department of Justice who shall evaluate the merit of such request. The request shall be accompanied by the following:
 - (i) The full name, identity and last known address in the Philippines of the subject;
 - (ii) Proof of Philippine citizenship, e.g., NSO copy of birth certificate or certified photocopy of passport especially of the page bearing the personal circumstances of the subject;
 - (iii) Certified True Copy of Order/Judgment of Conviction or Resolution finding probable cause; and
 - (iv) Certified copy of Warrant of Arrest, if any.
- (b) If the DOJ finds the request meritorious and all the accompanying documents are complete, the same shall be forwarded to the DFA which shall then forward the request to the Philippine embassy/consulate where the subject is hiding, residing or in a temporary sojourn.
- (c) The Philippine embassy/consulate shall then forward the request for deportation or forced removal to the relevant government agency of the country where the subject is hiding, residing or in a temporary sojourn and shall communicate to the DOJ the result of such request.
- (d) In the event that the request for deportation or forced removal is granted by the host state, the Council shall cover the costs/expenses for the return of the subject.

**RULE V
PROSECUTION
Article I Filing of Cases**

Sec. 65. **Who may file a complaint.** Complaints for violations of the Act may be filed by the following:

- (a) Any person, including a law enforcement officer, who has personal knowledge of the commission of the offense;
- (b) The trafficked person or the offended party;
- (c) Parents or legal guardians;
- (d) Spouse;
- (e) Siblings; or
- (f) Children.

The foregoing persons may also seek the assistance of the Council in the filing of complaints.

Sec. 66. **Filing of complaint by LEA.** A law enforcement officer who has personal knowledge of the commission of the offense, (i.e., member of the team that conducted the anti-trafficking operations) may initiate a criminal complaint for violation of the Act by executing his/her own affidavit or sworn statement.

Sec. 67. **Where to file complaint.** A complaint for violation of the Act for the purpose of inquest or preliminary investigation may be filed with the Department of Justice- National Prosecution Service, or Provincial/ City Prosecution Office.

Sec. 68. **Prescriptive Period.** – Trafficking cases under the Act shall prescribe in ten (10) years: Provided, however, That trafficking cases committed by a syndicate or in a large scale as defined under Section 6 of the Act or Section 158 (c) of these rules and regulations, or against a child, shall prescribe in twenty (20) years.

The prescriptive period shall commence to run from the day on which the trafficked person is delivered or released from the conditions of bondage, or in the case of a child victim, from the day the child reaches the age of majority, and shall be interrupted by the filing of the complaint or information and shall commence to run again when the proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused.

Sec. 69. **Commencement of the inquest proceedings.** Where a person is lawfully arrested without a warrant, the complainant or arresting officer shall file a complaint with the Department of Justice or any local prosecution office.

The inquest proceedings shall be considered commenced upon receipt by the inquest prosecutor of the following documents:

- (a) The affidavit of arrest duly subscribed and sworn to before him by the arresting officer;
- (b) The investigation report;
- (c) The sworn statements of the complainant/s and witness/es; and
- (d) Other supporting pieces of evidence gathered by the law enforcement agents in the course of their investigation of the criminal incident involving the arrested or detained person.

Sec. 70. **Commencement of preliminary investigation.** A preliminary investigation proceeding is commenced:

- (a) By the filing of a complaint by the offended party directly with the Department of Justice or any local prosecution office;
- (b) By referral from or upon request of the law enforcement agency that investigated the trafficking incident;
- (c) Upon request of a person arrested or detained pursuant to an arrest without warrant who executes a waiver in accordance with the provisions of Article 125 of the Revised Penal Code;
- (d) By an order or upon the directive of the court or other competent authority; or
- (e) Upon the initiative of the IACAT.

Sec. 71. **Preferential attention to cases of trafficking in persons.** All cases of trafficking in persons shall be given preferential attention, and should, therefore, be investigated and resolved within the periods indicated in the Revised Rules of Criminal Procedures. (DOJ Circular No. 18, dated 12 April 2005)

Sec. 72. **Institution of criminal action; effect on prescriptive period.** The institution of the criminal action before the Office of the Prosecutor for purposes of preliminary investigation shall interrupt the running of the period for prescription of the offense charged. The prescriptive period shall commence to run again when such proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused.

Sec. 73. ***Institution of civil action.*** Pursuant to the Revised Rules on Criminal Procedure, when a criminal action is instituted, the civil action arising from the offense charged shall be deemed instituted with the criminal action unless the offended party waives the civil action, reserves the right to institute it separately or institutes the civil action prior to the criminal action.

Sec. 74. ***Exemption from filing fees.*** When the trafficked person institutes a separate civil action for the recovery of civil damages, he/she shall be exempt from the payment of filing fees.

Sec. 75. ***Venue.*** The offenses punishable under the Act shall be considered as a continuing offense and may be filed either in the place where the offense was committed; or where any of its elements occurred; or where the trafficked person actually resides at the time of the commission of the offense. The court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Sec. 76. ***Speedy disposition of TIP cases.*** Where practicable and unless special circumstance require otherwise, cases involving violation of the Act shall be heard continuously with hearing dates spaced not more than two weeks apart. Unnecessary delay should be avoided, strictly taking into consideration the Speedy Trial Act and SC Circular No. 38-98 dated 11 August 1998. (per OCA Cir. No. 151-2010, dated 26 October 2010).

Article II Prosecution of Trafficking Cases

Sec. 77. **Designation of Prosecutors.** The Secretary of Justice shall designate prosecutors who shall investigate and prosecute trafficking cases in all prosecution offices in the country.

Sec. 78. **Deputation of private prosecutors.** Subject to the approval of the court, a private prosecutor may be authorized in writing by the Prosecutor General or the Regional Prosecutor to prosecute the case to further not only the interest of the private complainant but also of the State. Once so authorized, the private prosecutor shall continue to prosecute the case up to the end of the trial even in the absence of a public prosecutor, unless the authority is revoked or otherwise withdrawn. (Sec. 5, Rule 110, Rules on Criminal Procedure, as amended by A.M. No. 02-2-07-SC effective May 1, 2002)

Sec. 79. ***Cooperation with POEA in the prosecution of trafficking and illegal recruitment cases.*** Pursuant to the Migrant Workers and Overseas Filipinos Act (R.A. No. 8042, as amended by R.A. No. 10022), the DOJ prosecutors shall collaborate with the Anti-illegal Recruitment Branch of the POEA and, in certain cases, allow the POEA lawyers to take the lead in the prosecution of cases involving both illegal recruitment and trafficking in persons committed in the guise of, or under the pretext of overseas employment.

Article III

Prohibitions during Investigation and Prosecution

Sec. 80. ***Non-dismissal of trafficking cases on the basis of an affidavit of desistance.*** Cases involving trafficking in persons should not be dismissed based on the affidavit of desistance executed by the victims or their parents or legal guardians. Public and private prosecutors are directed to oppose and manifest objections to motions for dismissal.

Sec. 81. ***Prohibition against influencing complainant to execute affidavit of desistance.*** It shall be prohibited for any person to perform an act involving the means provided in the Act or any attempt thereof for the purpose of securing an Affidavit of Desistance from the complainant.

Sec. 82. ***Prohibition against urging complainant to abandon legal action.*** It shall be prohibited for the DFA, the DOLE, and the POEA officials, law enforcement officers, prosecutors and judges to urge complainants to abandon their criminal, civil and administrative complaints for trafficking.

Sec. 83. ***Violation of Sections 81 and 82.*** The acts described in Sections 81 and 82 hereof shall be considered as acts to influence or attempt to influence witnesses in an investigation or prosecution under Section 5(h) of the Act and shall be punished in accordance with the penalty prescribed for such violation.

Article IV Civil Forfeiture Proceedings

Sec. 84. *Provisional remedies under the Rules on Civil Forfeiture.*

Subject to the Rules on Civil Forfeiture, when probable cause exists that a monetary instrument or property is related to an activity involving any of the prohibited acts defined in the Act, the Council or the handling prosecutor may request the assistance of the Anti- Money Laundering Council (AMLC) in filing –

- (a) An application/petition for issuance of freeze order;
- (b) An action for civil forfeiture; and/or
- (c) A petition for the issuance of provisional asset preservation order. (for purposes of formulation)

Sec. 85. ***Effect of provisional asset preservation order.*** In accordance with the Rules on Civil Forfeiture, the provisional asset preservation order shall forbid any transaction, withdrawal, deposit, transfer, removal, conversion, concealment or other disposition of the subject monetary instrument, property, or proceeds.

Article V Asset Forfeiture based on Conviction in a Criminal Action

Sec. 86. *Forfeiture of the Proceeds and Instruments Derived from Trafficking in Persons.*

- (a) After conviction, all proceeds and instruments, including any real or personal property used in the commission of the offense, shall be ordered confiscated and forfeited in favor of the State unless the owner thereof can prove the lack of knowledge of the use of such property in the said illegal activity. Any award for damages arising from the commission of the offense may be satisfied and charged against the personal and separate properties of the offender and if the same is insufficient to satisfy the claim, the balance shall be taken from the forfeited properties as may be ordered by the court.
- (b) During the pendency of the criminal action, no property or income used or derived therefrom which are subject to confiscation and forfeiture, shall be disposed of, alienated or transferred. Such property or income shall be in custodia legis and no bond shall be admitted for the release of the same.

- (c) The trial prosecutor may avail of the provisional remedies in criminal cases to ensure the confiscation, preservation and forfeiture of the said properties.
- (d) If the offender is a public officer or employee, the forfeiture of his/her property found to be unlawfully acquired shall be governed by RA No. 1379 otherwise known as “An Act Declaring Forfeiture in Favor of the State Any Property Found to Have Been Unlawfully Acquired by Any Public Officer or Employee and Providing for the Proceedings Therefor.”

RULE VI VICTIM PROTECTION AND ASSISTANCE

Article I Overall Policy

Sec. 87. ***Overall policy on victim protection and assistance.*** Measures shall be established to ensure that trafficked persons are protected from further exploitation and harm, and shall have access to adequate physical and psychosocial care. Responsible agencies shall ensure that protection and assistance services to trafficked persons are provided in a child- and gender-sensitive manner.

Article II Legal Protection for Trafficked Persons

Sec. 88. ***Protection against suits for unlawful acts committed in relation to trafficking or upon direct orders of the traffickers.*** The consent of trafficked person to the intended exploitation is irrelevant. Trafficked persons shall not be penalized for unlawful acts committed as a direct result of, or as an incident or in relation to, being trafficked, or in obedience to the order made by the trafficker in relation to said acts.

Sec. 89. ***Protection against suits under Article 202 of the Revised Penal Code.*** Persons trafficked for prostitution shall not be prosecuted, fined or penalized under the provisions of Article 202 of the Revised Penal Code.

Sec. 90. ***Right to privacy and confidentiality.*** Law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners, as well as parties to the case, shall protect the right to privacy of trafficked persons at any stage of the rescue, investigation, prosecution and trial of a trafficking offense.

The abovementioned officers and professionals shall be trained on the importance of maintaining confidentiality as a means to protect the right to privacy of victims and to encourage victims to file complaints and assess validity of any waiver of confidentiality.

Sec. 91. ***Conduct of a closed-door investigation, prosecution or trial.*** Law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary, to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed- door investigation, prosecution or trial.

Sec. 92. ***Prohibition against disclosure of identity of a trafficked person.*** The name and personal circumstances of the trafficked person or any other information tending to establish the identity of the trafficked person and his or her family shall not be disclosed to the public.

Sec. 93. ***Prohibition against undue publicity.*** It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or electronic information technology to cause publicity of the name, personal circumstances, or any information tending to establish the identity of the trafficked person except when the trafficked person in a written statement duly notarized knowingly, voluntarily and willingly waives said confidentiality.

Sec. 94. ***Irrelevance of past sexual behavior.*** The past sexual behavior or the sexual predisposition of a trafficked person shall be considered inadmissible in evidence for the purpose of proving consent of the victim to engage in sexual behavior, or to prove the predisposition, sexual or otherwise, of a trafficked person.

Article III Witness Protection

Sec. 95. ***Preferential Entitlement under the Witness Protection Security and Benefits Program (WPSBP)***. Any provision of Republic Act No. 6981 to the contrary notwithstanding, any trafficked person shall be entitled to the witness protection program provided therein.

Sec. 96. ***Application for coverage***. Any law enforcement agency, service provider handling the case of a trafficked person, the trafficked person himself/herself, a witness, or a member of the family of the trafficked person or witness, may obtain an application form for coverage under the Witness Protection, Security and Benefits Program from the WPSBP Secretariat at the DOJ Office in Manila or the nearest Office of the Regional State Prosecutor. Such application should be filed at the office of the WPSBP Secretariat or through the handling prosecutor.

Sec. 97. ***Recommendation from the handling prosecutor***. When the handling prosecutor sees the need to put the trafficked person or witness under the WPSBP, he/she shall endorse the application to the WPSBP Secretariat, stating therein the urgency and/or necessity of such coverage.

Article IV Protection of Trafficked Persons who are Foreign Nationals

Sec. 98. Legal Protection of trafficked persons who are foreign nationals. Trafficked persons in the Philippines who are nationals of a foreign country shall be entitled to appropriate protection, assistance and services available to the trafficked persons and shall be allowed continued presence in the Philippines for a period of fifty-nine (59) days to enable them to effect the prosecution of the offenders. Such period may be renewed upon showing of proof by the trial prosecutor that their further testimony is essential to the prosecution of the case. The trial prosecutor shall course the request for extension to the Council which shall accordingly act upon the same. If such request is granted, the registration and immigration fees of such foreign nationals shall be waived. The Council, for this purpose, shall develop additional guidelines to implement this provision.

Article V

Free Legal Assistance and Counsel

Sec. 99. **Free legal services.** Trafficked persons shall be provided with free legal services which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person.

Sec. 100. **Establishment of free legal assistance mechanism.** The DOJ shall establish a mechanism for free legal assistance for trafficked persons, in coordination with DSWD. It shall endeavor to enter into a Memorandum of Agreement (MOA) with the Integrated Bar of the Philippines (IBP) as well as with NGOs and volunteer legal groups for the provision of legal assistance to trafficked persons. The DOJ or the IACAT shall conduct a training program for the IBP and volunteer groups on victim assistance and protection of trafficked persons and on the salient provisions of the Act.

Sec. 101. **Free legal assistance for victims of international trafficking.** The Department of Foreign Affairs (DFA) shall provide Filipino victims of trafficking overseas with free legal assistance and counsel to pursue legal action against his or her traffickers, represent his or her interests in any criminal investigation or prosecution, and assist in the application for social benefits and/or regular immigration status as may be allowed by the host country.

Such free legal assistance shall be funded through the Legal Assistance Fund (LAF) established under Republic Act No. 8042, as amended, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995" as shall hereafter determined by the Office of the Undersecretary for Migrant Workers Affairs (OUMWA).

Sec. 102. **Free legal assistance to trafficked persons by POEA and OWWA.** The POEA and OWWA shall extend free legal assistance to victims of trafficking in persons under the pretext of, or by means of recruitment for overseas employment. This free legal assistance shall include legal advice; assistance in the preparation and filing of administrative, labor and/or criminal actions; and assistance in the prosecution of persons who engage in, promote and facilitate trafficking in persons by means of, or in the guise of, recruitment for overseas employment.

Such assistance shall be coordinated with the DFA, especially when the victims are found in destination or transit countries.

Article VI Mandatory Services

Sec. 103. **Information on available programs and services.** All service providers shall inform trafficked persons about the programs and services available to them.

Sec. 104. **Temporary or emergency shelter.** The government shall ensure that trafficked persons shall have access to temporary or emergency shelter.

The DSWD and LGUs shall provide temporary or emergency shelter to trafficked persons. The DSWD shall develop an accreditation system for NGO-run facilities, programs and services.

In the case of trafficked persons overseas, the DFA, in coordination with DOLE, shall provide free temporary shelters and other services to Filipino victims through the Migrant Workers and Other Overseas Filipinos Resource Centers (WOFRC).

Sec. 105. **Counseling.** The DSWD and LGUs shall ensure that trafficked persons are provided with appropriate counseling services.

Sec. 106. **Free legal services.** Trafficked persons who want to pursue legal action, whether criminal, civil and administrative in nature, shall be provided with free legal services. Free legal services shall include but not limited to information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person; assistance in preparation of pleadings; and legal representation during hearings or legal proceedings.

In addition to the legal services mentioned in Article IV of this Rule, the IACAT shall enter into partnership with legal organizations and similar groups such as the Integrated Bar of the Philippines to expand available legal services for trafficked persons.

Sec. 107. **Medical and psychological or psychiatric services.** Trafficked persons needing medical and psychological or psychiatric services shall be referred to appropriate agencies or institutions for such services. The DOH shall make available its resources and facilities in providing health care to victims of trafficking which shall, at all times be held confidential.

Sec. 108. **Livelihood and skills training.** The DOLE, DSWD, TESDA, National Reintegration Center for OFWS (NRCO), LGUs, Operation Center under NBI and other government agencies shall facilitate and create access to livelihood, skills training and employment for trafficked victims and their families needing such services. As far as practicable, economic reintegration assistance available from these agencies shall be integrated or coordinated through a convergence approach to achieve optimum results for the full reintegration of trafficked persons.

Sec. 109. **Educational assistance to a trafficked child.** DEPED shall provide opportunities for trafficked persons in the educational mainstream through the basic education and non-formal education curricula.

Sec. 110. **24-hour call center for crisis calls and technology-based counseling and referral system.** DSWD shall ensure 24-hour Action line for crisis calls and technology-based counseling and referral system, in coordination with other government agencies such as but not limited to IACAT 1343 Action line Against Human Trafficking, WCPC Hotline (0919)777-7377 DILG Patrol 117, DFA and OWWA 24/7 Hotline.

Article VII

Recovery, Rehabilitation and Reintegration Programs

Sec. 111. **Comprehensive Recovery, Rehabilitation and Reintegration Program.**

- (a) The DSWD, LGUs and other concerned agencies shall develop and implement a comprehensive, child and gender-sensitive program for the recovery, rehabilitation and reintegration of trafficked persons, such as provision of center-based services, child placement, educational assistance, livelihood and skills training and other community-based services which are responsive to the specific needs and problems of the trafficked persons and their families.
- (b) The active involvement and participation of the trafficked persons in the rehabilitation and reintegration process shall be encouraged. In order to empower them and to prevent their re-victimization, capability building programs must be provided.

- (c) The active cooperation and coordination with NGOs and other members of the civil society including the business community, tourism-related industries as well as the media in the rehabilitation and reintegration of trafficked persons shall be undertaken.
- (d) Capacity building programs must be provided to ensure active involvement and participation of trafficked persons in the rehabilitation and reintegration process.

Sec. 112. **Case management procedures.** All service providers shall be guided by a case management manual for trafficked persons developed by DSWD and all subsequent guidelines that it may issue hereafter to govern case management for trafficked persons.

The following minimum procedures shall be observed by all service providers in implementing a comprehensive program for the recovery, rehabilitation and reintegration of trafficked persons:

- (a) The trafficked person may go or be brought to the nearest DSWD/LGU Social Welfare and Development Office or accredited NGO for assistance;
- (b) The DSWD/LGU/NGO social worker shall conduct an intake assessment to determine the appropriate intervention for the trafficked person. On the basis of such assessment, an intervention plan shall be prepared;
- (c) The DSWD/LGU/NGO social worker shall, when necessary, admit the trafficked person to a residential facility for temporary shelter. Upon admission, the head of the center or facility shall immediately inform the local social worker from the trafficked person's origin or place of residence and invite said social worker to the admission conference in order to facilitate the future reintegration process;
- (d) Provide services/interventions based on the rehabilitation plan in coordination with appropriate agencies, e.g. counseling, legal, medical and educational assistance; livelihood and/or skills training; as well as appropriate services to the family of the trafficked person; and
- (e) Monitor implementation and periodically evaluate/update the rehabilitation plan until the trafficked person has been reintegrated with his/her family and community.

Sec. 113. **Case documentation and referrals.** All DSWD social workers as well LGU and NGO case managers/social workers shall use the NRRD for documenting and tracking delivery of services to trafficked persons as well as the NRS in facilitating and documenting referrals.

Sec. 114. **Continuing capability building of service providers.**

- (a) The frontline agencies and the service providers such as but not limited to law enforcement agencies, social workers, ATN officers, OWWA welfare officers, police attaches, CFO case officers, medical practitioners, must undergo training and other capability building activities to enhance their knowledge and skills in child and gender-sensitive handling of cases of trafficking to prevent further traumatic stress and facilitate more effective crisis interventions, recovery and reintegration services.
- (b) The DSWD shall likewise implement training programs for the utilization of the NRRD and NRS by case managers and social workers, in coordination with LGUs and NGOs.
- (c) DFA-foreign service institute shall integrate a module on management of trafficking cases in the pre-departure orientation seminar for all deployable personnel such as but not limited to social welfare, police, labor, OWWA, tourism attaché.

Sec. 115. **Documentation of good practices.** The DSWD shall conduct data banking, research and documentation of good practices in rehabilitation and reintegration programs. It shall identify efficient and effective measures and services for the victims of trafficking and their families. For this purpose, the DSWD shall convene a periodic program review and sharing sessions.

Sec. 116. **Accreditation of residential facilities and recovery and reintegration program standards.** The DSWD shall develop and/or continually evaluate accreditation and recovery and reintegration program standards for residential facilities catering to trafficked persons. It shall provide technical assistance to LGUs and NGOs with such facilities and programs to ensure compliance with standards.

Sec. 117. **Harmonization of reintegration programs.** The DSWD, DOLE, DILG, OWWA, NRCO, TESDA, LGUs and NGOs shall harmonize their respective reintegration programs for trafficked persons. For this purpose, the IACAT Secretariat shall convene a meeting of these agencies for developing a mechanism for referrals on provision of economic and social reintegration programs.

RULE VII PROTECTION FOR SERVICE PROVIDERS

Sec. 118. ***Immunity from suit, prohibited acts and injunctive remedies.*** No action or suit shall be brought, instituted or maintained in any court or tribunal or before any other authority against any: (a) law enforcement officer; (b) social worker; or (c) person acting in compliance with a lawful order from any of the above, for lawful acts done or statements made during an authorized rescue operation, recovery or rehabilitation/intervention, or an investigation or prosecution of an anti- trafficking case: provided, that such acts shall have been made in good faith.

Sec. 119. ***Social protection.*** Agency heads shall take all possible measures to ensure protection including but not limited to hazard pay, insurance, psychosocial services for job-related stress and safety of service providers in the performance of their duties under the Act and these rules and regulations.

Sec. 120. ***Duty to disclose and act on threat against service providers.*** Service providers shall report any threat, harassment, or any form of danger that she/he may encounter in the course of the performance of duties to her/his superior, law enforcement agencies and other appropriate units.

Agency heads shall immediately take appropriate action on reports, formal or non-formal, written or verbal, of any threat, harassment, or any form of danger brought to their attention.

RULE VIII IMPLEMENTATION MECHANISMS

Article I The Inter-Agency Council Against Trafficking (IACAT)

Sec. 121. ***IACAT and its Composition.*** The IACAT shall be primarily responsible for coordinating, monitoring and overseeing the implementation of the Act. It shall be chaired by the Secretary of Justice and co-chaired by the Secretary of Social Welfare and Development. It shall have the following as members:

- (a) Secretary, Department of Foreign Affairs (DFA);
- (a) Secretary, Department of Labor and Employment (DOLE);
- (b) Secretary, Department of the Interior and Local Government (DILG);
- (c) Administrator, Philippine Overseas Employment Administration (POEA);
- (d) Commissioner, Bureau of Immigration (BI);
- (e) Chief, Philippine National Police (PNP);
- (f) Chairperson, Philippine Commission on Women (PCW);
- (g) Chairperson, Commission on Filipinos Overseas (CFO);
- (h) Executive Director, Philippine Center for Transnational Crimes (PCTC);
- (i) One (1) representative from an NGO representing the women sector;
- (j) One (1) representative from an NGO representing the Overseas Filipino Workers (OFWs) sector ; and
- (k) One (1) representative from an NGO representing the children sector. The members of the Council may designate their permanent representatives who shall have a rank not lower than an Assistant Secretary or its equivalent to attend the meetings of the Council.

Sec. 122. ***Qualifications, Selection and Appointment of NGO and its Representatives.*** The NGO members shall have the following minimum qualifications: a) organized in accordance with Philippine laws and registered with the appropriate regulatory agencies; b) existing and operating for at least five (5) years; c) have national and international networks or at least a member of an international or national NGO coalition or federation; and d) must have a proven track record of involvement in the advocacy against trafficking in persons, the prevention and suppression of trafficking in persons, or the protection of trafficked persons.

The NGO representatives, on the other hand, must have the following qualifications: a) a Filipino citizen; b) heads or manages the NGO mentioned in the first paragraph for at least two years; and c) of proven integrity and probity.

The NGO and its representative shall be nominated by any of the government agency representatives of the Council and shall be selected by majority vote thereof for endorsement to the President. They shall be appointed by the President for a term of three (3) years, and may be re-appointed for another three-year term.

Sec. 123. **Functions of the Council.** The Council shall have the following powers and functions:

- (a) Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons;
- (b) Promulgate rules and regulations as may be necessary for the effective implementation of the Act;
- (c) Monitor and oversee the strict implementation of the Act;
- (d) Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to trafficking in persons;
- (e) Coordinate the conduct of massive information dissemination and campaign on the existence of the law and the various issues and problems attendant to trafficking through the local government units (LGUs), concerned agencies, and NGOs;
- (f) Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;
- (g) Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of the Act;
- (h) Formulate a program for the reintegration of trafficked persons in cooperation with DOLE, DSWD, Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), LGUs and NGOs;
- (i) Secure from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement the Act;
- (j) Complement the shared government information system for migration established under Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995" with data on cases of trafficking in persons, and ensure that the proper agencies conduct a continuing research and study on the patterns and scheme of trafficking in persons which shall form the basis for policy formulation and program direction;

- (k) Develop the mechanism to ensure the timely coordinated and effective response to cases of trafficking in persons;
- (l) Recommend measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress international trafficking in persons;
- (m) Coordinate with the Department of Transportation and Communications (DOTC), Department of Trade and Industry (DTI), and other NGOs in monitoring the promotion of advertisement of trafficking in the Internet;
- (n) Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines;
- (o) Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons; and
- (p) Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of the Act.

Sec. 124. **Reportorial Function.** The Council shall submit to the Office of the President an annual comprehensive report on the actions and programs taken by the Council relative to and concerning the implementation of the Act every 15th of January of each year .

Sec. 125. **Meetings of the Council.** The Council shall meet regularly at least once every quarter. Special meetings may be called by the Chair as the need arises. Majority of the members of the Council shall constitute a quorum to transact business.

Sec. 126. **Honoraria or Emoluments.** The Members of the Council or their designated permanent representatives shall receive honoraria or emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.

Article II Secretariat

Sec. 127. **Organization.** The DOJ shall establish a Secretariat to assist the Council in the performance of its functions. The Secretary of Justice shall determine the organizational structure and staffing pattern of the Secretariat. Such organizational structure and staffing pattern shall be submitted to the Department of Budget and Management (DBM) for approval.

Sec. 128. **Functions.** The IACAT Secretariat shall provide support for the functions and projects of the Council and shall have the following functions:

- (a) Coordinate and monitor, under the direction of the Executive Director, the implementation of the policies and guidelines promulgated by the Council;
- (b) Establish, maintain and manage a central database on trafficking in persons;
- (c) Provide secretariat, records keeping and other services to the Council; and
- (d) Perform such other functions as may be directed by the Council.

Sec. 129. **Head of the Secretariat.** The Secretariat shall be headed by an Executive Director, who shall receive the compensation and benefits of an Assistant Secretary or its equivalent, and who shall be appointed by the Secretary of Justice upon the recommendation of the Council. The Executive Director must have adequate knowledge of trafficking in persons and sufficient education, training and experience in the field of law, law enforcement, social work, or criminology. He/she shall be under the direct supervision of the Secretary of Justice.

Sec. 130. **Functions of the Executive Director.** The Executive Director shall perform the following functions:

- (a) Act as secretary of the Council and technical and administrative head of its Secretariat;
- (b) Advise and assist the Chairperson in formulating and implementing the policies, plans and programs of the Council, including mobilization of the members agencies of the Council as well as other relevant government offices, task forces, and relevant entities;
- (c) Serve as principal assistant to the Chairperson in the overall supervision of Council's administrative business;
- (d) Oversee all operations and activities of the Council;
- (e) Ensure the effective and efficient performance of Council, in particular the prompt implementation of Council objectives, policies, plans and programs;
- (f) Propose effective allocation of, and mobilization of resources;

- (g) Prepare and submit annual and other periodic reports to the Council, the President and Congress on the state of the anti-trafficking campaign in the country; and
- (h) Perform such other duties as the Council may assign.

Sec. 131. ***IACAT Operation Center (OpCen)***. The IACAT OpCen shall serve as the central coordinating and monitoring office of all trafficking in persons cases and shall operate under the supervision of the IACAT Executive Director. It shall receive and process human trafficking reports and complaints; serve as victim/witness coordinator and locator; and act as a referral center for victim protection and assistance including referrals for reintegration services.

Sec. 132. ***Advocacy and Communications Committee (ADVOCOM)***. The ADVOCOM shall be primarily responsible for the development and implementation of the Council's communication program, and the conduct of research and study on the patterns and schemes of trafficking in persons for policy formulation and program direction. The current ADVOCOM shall continue to function and shall be supported by the IACAT Secretariat.

Article III

The Philippine Anti-Trafficking Database

Sec. 133. ***Review and full implementation of the Philippine Anti-Trafficking in Persons Database (PATD)***. The IACAT shall review the Philippine Anti-Trafficking Database (PATD) that was approved and adopted by IACAT for the purpose of enhancing its features, and shall thereafter serve as the central anti-trafficking database referred to in Section 16-A of the Act. For this purpose, the IACAT Secretariat shall develop the operations manual of the PATD that will include requirements for authorizing and monitoring access to the database. The IACAT Secretariat shall be the administrator of the PATD.

Sec. 134. ***The National Recovery and Reintegration Database (NRRD)***. The National Recovery and Reintegration Database (NRRD), a component of the PATD, shall continue to be administered by DSWD. All agencies and institutions, government and non-government, providing direct services to victims shall use the NRRD as the main tool for documenting and monitoring delivery of services to victims and survivors of trafficking. They shall register with DSWD before access to the database is granted.

The DSWD shall prepare a bi-annual bulletin or situation analysis report on victim assistance and protection on the basis of specific reports generated from the NRRD, which shall include, at the minimum, the profile and number of victims and survivors provided with services, disaggregated by the type of exploitative purpose, sex, age-group, educational attainment, geographical origin of the victims and survivors, the trafficking destination, and the number of victims served by type of intervention.

The said report shall be shared to the IACAT Secretariat for consolidation.

Sec. 135. ***Harmonization and standardization of databases.*** To ensure efficient data collection, the Council through the Secretariat shall undertake measures to harmonize and standardize relevant databases, especially as regards minimum data requirements, definitions, reporting formats, data collection systems, and data verification systems. It shall make sure that such databases shall have, at the minimum, the following information:

- (a) The number of cases of trafficking in persons, sorted according to status of cases, including the number of cases being investigated, submitted for prosecution, dropped, and filed and/or pending before the courts and the number of convictions and acquittals;
- (b) The profile/information on each case;
- (c) The number of victims of trafficking in persons referred to the agency by destination countries/areas and by area of origin; and
- (d) Data on trafficking victims and the accused/defendants, disaggregated by age, sex, ethnicity, and type of disability, if any.

Sec. 136. ***Agency-based monitoring and data collection system.*** All government agencies tasked under the law to undertake programs and render assistance to address trafficking in persons shall develop their respective monitoring and data collection systems, and databases, for purposes of ensuring efficient collection and storage of data on cases of trafficking in persons handled by their respective offices. Such data shall be submitted to the Council for integration.

Sec. 137. ***Preparation of annual and other reports.*** In line with the reportorial function of the Council, the Secretariat shall prepare an annual report and such other reports as may be required by the Council on the basis of the information and data generated from the PATD, NRRD and agency-based databases and from all other sources such as written reports of the members of the Council.

Sec. 138. **Conduct of policy fora.** The Secretariat shall, as far as practicable, convene a policy forum to share the report among policy makers and other key stakeholders to generate recommendations for policy reform and program development or enhancement.

Article V

Roles and Responsibilities of Relevant Agencies

Sec. 139. **Common roles and responsibilities of Council member agencies.** All member government agencies of the Council shall have the following common roles and responsibilities:

- (a) Develop the necessary agency child- and gender-sensitive policies and programs supportive of and consistent with the objectives of the Act;
- (b) Enhance the capability of its officers and personnel involved in trafficking issues and concerns through appropriate training and staff support programs;
- (c) Undertake information, education and advocacy campaigns against trafficking in persons, in consultation with the Council and the Secretariat to achieve efficiency and greater impact;
- (d) Maintain a databank/database on trafficking in persons, disaggregated by age, sex, ethnicity, and type of disability, if any, to be shared among relevant agencies and complement the central databank to be established by the Council;
- (e) Document good practices as bases for policy formulation and program development; and
- (f) Undertake regular monitoring and evaluation of their anti-human trafficking programs, and submit annual reports for consolidation of the IACAT secretariat.

Sec. 140. **Specific Roles and Responsibilities of National Government Agencies.** The following national government agencies shall have, but not limited to, the following roles and responsibilities in the prevention and suppression of trafficking in persons and the protection and assistance of trafficked persons:

Agency	Roles and responsibilities
<p>Department of Foreign Affairs (DFA)</p>	<ul style="list-style-type: none"> • Make available its resources and facilities for trafficked persons regardless of their manner of entry to the receiving country. • Explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas. • Provide Filipino victims of trafficking overseas with free legal assistance and counsel to pursue legal action against his/her traffickers, who shall represent his or her interests in any criminal investigation or prosecution. • Assist in the application for social benefits and/or regular immigration status as may be allowed or provided for by the host country. • Repatriate trafficked persons. • Take necessary measures for the efficient implementation of the e-passporting system
<p>Department of Social Welfare and Development (DSWD)</p>	<ul style="list-style-type: none"> • Implement rehabilitative and protective programs for trafficked persons • Provide counseling and temporary shelter to trafficked persons. • Develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community. • Establish free temporary shelters for the protection and housing of trafficked persons for the provision of the following basic services:

	<ul style="list-style-type: none"> (a) psychological support and counseling; (b) 24-hour Action Line for crisis calls and technology-based counseling and referral system; (c) coordination with local law enforcement entities; and d) coordination with the DOJ, among others. <ul style="list-style-type: none"> • Conduct information campaigns in communities and schools teaching parents and families that receiving consideration in exchange for adoption is punishable by law. • Together with PNP and other relevant agencies, conduct information campaigns for the general public that they must not induce poor women to give their children up for adoption in exchange for consideration.
<p>Department of Labor and Employment (DOLE)</p>	<ul style="list-style-type: none"> • Ensure strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. • Monitor, document and report cases of trafficking in persons involving employers and labor recruiters locally and overseas. • To provide employment facilitation and livelihood opportunities to trafficked victims/survivors. • In coordination with DFA, provide free temporary shelters and other services to Filipino victims of trafficking overseas through the MWOFRFC established under RA No. 8042, as amended.

<p>Department of Justice (DOJ)</p>	<ul style="list-style-type: none"> • Ensure the prosecution of persons accused of trafficking. • Designate and train special prosecutors who shall handle and prosecute cases of trafficking. • Establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups. • Provide witness protection to trafficked victims and their families. • Receive, evaluate, process and investigate claims for compensation by trafficked victims, when applicable, pursuant to Republic Act No. 7309 (Victims Compensation Act). • Conduct training and continuing education program on investigation and prosecution for trafficking in persons and other related offenses for prosecutors and law enforcement officers. • Review and recommend policies and measures to enhance protection against trafficking in persons. • Recommend the negotiation of mutual legal assistance and extradition treaties with other countries in coordination with the DFA. • Coordinate with and/or provide assistance to the Anti-Money Laundering Council (AMLC) on cases of trafficking in persons with possible money laundering underpinnings.
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Philippine Commission on Women (PCW)

- Actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies.
- Advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women's issues.
- Actively advocate and participate in international and regional discussion and initiatives in trafficking in women and include the same in all of its international commitments and policy pronouncements. Where possible and appropriate, work with the Department of Foreign Affairs in forging bilateral and multilateral collaborative projects on trafficking.
- Assist the Council in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies.
- Assist the Council in the conduct of information dissemination and training on gender-responsive case management, treatment and reporting of trafficking victims to frontline government agencies, NGOs and the general public.
- Assist the Council in the development of gender responsive documentation system in coordination with other agencies through its monitoring of the situation of women particularly on violence against women.

<p>Bureau of Immigration (BI)</p>	<ul style="list-style-type: none"> • Strictly administer and enforce immigration and alien administration laws. • Adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure. • Ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement.
<p>Philippine National Police (PNP)</p>	<ul style="list-style-type: none"> • Undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. • Closely coordinate with other law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. • Coordinate with other government agencies which may have initially processed complaints for TIP. • Conduct monitoring, surveillance and investigation of alleged trafficking activities in different airports and seaports through its aviation security group and maritime group. • Establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations. • Ensure that deployed personnel to the office of the police attaché are capable of investigating trafficking cases in a child and gender sensitive manner. • Establish an anti-trafficking section under the Women and Children Protection Desks nationwide.

	<ul style="list-style-type: none"> • Integrate in the program of instruction a comprehensive child and gender sensitive management of TIP cases in the PNP training school and other schools operated and managed by the PNP. • Provide capacity building to the senior cadets of the Philippine National Police Academy in coordination with IACAT.
<p>National Bureau of Investigation (NBI)</p>	<ul style="list-style-type: none"> • Undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. • Closely coordinate with other law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. • Establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations.
<p>Philippine Overseas Employment Administration (POEA)</p>	<ul style="list-style-type: none"> • Implement pre-employment orientation seminars (PEOS) and accredit NGOs and other service providers conducting PEOS. • Formulate a system of providing free legal assistance to trafficked persons especially those involving trafficking in the guise of overseas employment. • Create a blacklist of recruitment agencies, illegal recruiters and persons facing administrative, civil and criminal complaints for trafficking filed in the receiving country and/or in the Philippines and those agencies, illegal recruiters and persons involved in cases of trafficking.

<p>Overseas Workers Welfare Administration (OWWA)</p>	<ul style="list-style-type: none"> • Conduct pre-departure orientation seminars (PDOS) and accredit NGOs and other service providers conducting PDOS. • Formulate a system of providing free legal assistance to trafficked persons, in coordination with DFA. • Repatriation of trafficked OWWA members. • Provision of psychosocial and other reintegration and other services to its members. • Provide airport assistance to all trafficked OWWA members.
<p>Department of the Interior and Local Government (DILG)</p>	<ul style="list-style-type: none"> • Institute a systematic information and prevention campaign in coordination with pertinent agencies of government. • Provide training programs to local government units in coordination with IACAT.
<p>Commission on Filipinos Overseas (CFO)</p>	<ul style="list-style-type: none"> • Conduct Guidance and Counseling Program (GCP) to Filipino spouses and other partners of foreign nationals, and such other counseling intervention to other Filipinos whom these foreign nationals may sponsor for travel or residence overseas. • Provide pre-departure registration services for Filipino emigrants including Filipino spouses and other partners of foreign nationals. • Maintain a watch list database of foreign nationals with history of domestic violence, multiple sponsorship, marital infidelity, involvement in human trafficking and mail-order bride-scheme, child abuse, fraud and other derogatory record,

	<p>including information on local or foreign marriage brokers (individual or organizations) operating in violation of the Republic Act 6955 or the Anti-Mail Order Bride Act of 1990.</p> <ul style="list-style-type: none"> • Supervise the operations of the 1343 Actionline Against Human Trafficking in coordination with IACAT member agencies.
<p>Philippine Center on Transnational Crime (PCTC)</p>	<ul style="list-style-type: none"> • Continue to function in accordance with its mandate pursuant to E.O. No. 62, s. 1999, on matters concerning trafficking in persons with transnational dimension. • Undertake strategic researches on the structure and dynamics of trafficking in persons with transnational crime dimension, predict trends and analyze given factors for the formulation of individual and collective strategies for the prevention and detection of trafficking in persons and the apprehension of criminal elements involved. • Strengthen information exchange on trafficking in persons with government agencies, foreign counterparts and international organizations. • Serve as the focal point in international enforcement coordination on trafficking in persons particularly with the INTERPOL and cooperation with regional and international foreign counterparts. • Promote formulation and development of training courses in relation to combating trafficking in persons.

Sec. 141. ***Roles and Responsibilities of Non-Government Organizations which are Members of the Council.*** The NGO members of the Council shall have the following roles and responsibilities:

- (a) Assist government agencies in formulating and implementing policies, programs and IEC campaign against trafficking;
- (b) Assist in capability building activities of government personnel and share their experiences and expertise in handling trafficking cases;
- (c) Coordinate with concerned government agencies, LGUs and other NGOs in reporting alleged perpetrators, rescuing victims of trafficking, and conducting investigation/ surveillance, if indicated;
- (d) Undertake programs and activities for the prevention of trafficking in persons, rescue, recovery and reintegration of the victims of trafficking and other support services for their families;
- (e) Document and/or assist in the documentation of cases of trafficking, including submission of data to the NRRD;
- (f) Disseminate guidelines to all its network members, local and international, on policies and programs addressing issues on trafficking in persons;
- (g) Formulate educational module to address the demand side of trafficking;
- (h) Consult and coordinate anti-trafficking efforts of other NGOs and CSOs (in accordance with the sector they represent, i.e. children, women, and OFWs) and report the same to the Council through the Secretariat; and
- (i) Perform such other tasks as may be agreed upon by the Council.

Sec. 142. ***Roles and responsibilities of other relevant national government agencies.*** Consistent with their mandates under existing laws, the following agencies shall integrate human trafficking issues in their strategy and program formulation and implement programs and services for the prevention and suppression of trafficking and for the protection of trafficked victims.

Agency	Roles and responsibilities
Department of Tourism (DOT)	<ul style="list-style-type: none"> • Formulate and implement preventive measures to stop sex tourism packages and other activities of tourism establishments which might contribute to the trafficking in persons in coordination with local government units. • Provide training to tourist security officers on surveillance, investigation and rescue operation strategies
Department of Education (DepEd)	<ul style="list-style-type: none"> • Integrate in the appropriate subject areas core messages on migration and trafficking in the elementary and secondary levels by providing lessons with emphasis on their implications and social costs to persons and country. • Provide opportunities for trafficked persons in the educational mainstream through the basic education and non-formal education curricula. • Provide education and raise consciousness of boys/men in schools and communities in order to discourage the “demand side” or the use/buying of trafficked women and children. • In coordination with DSWD, conduct information campaign to parents and families of school children that receiving consideration in exchange of adoption is punishable by law.
Department of Health (DOH)	<ul style="list-style-type: none"> • Make available its resources and facilities in providing health care to victims of trafficking which shall, at all times, be held confidential. • Strictly implement the rules and regulations governing organ trafficking. • Issue a policy regarding child trafficking, particularly on children abandoned in the hospitals. • Conduct information campaign for health professionals and hospitals on child trafficking and organ trafficking.

Department of Science and Technology (DOST)	<ul style="list-style-type: none"> • Monitor the promotion of advertisement of trafficking in the Internet.
Department of Transportation and Communications (DOTC)	<ul style="list-style-type: none"> • Provide guidelines for the land, sea and air transport providers to train their personnel in trafficking in persons. • Standardize guidelines for monitoring trafficking in persons in every port.
Commission on Human Rights (CHR)	<ul style="list-style-type: none"> • Conduct advocacy and training programs relating to anti- trafficking. • Investigate and recommend for prosecution violations of the Act. • Provide legal and financial assistance to victims of trafficking. • Integrate anti-trafficking efforts in the Barangay Human Rights Action Center (BHRAC). • Monitor government compliance to international human rights treaty obligations related to the suppression/elimination of trafficking.
Council for the Welfare of Children (CWC)	<ul style="list-style-type: none"> • Integrate in its development and strategic frameworks issues and concerns affecting trafficking in children and ensure the adoption of such frameworks by the LGUs and other stakeholders. • Vigorously advocate against trafficking of children. • Improve data on trafficking in children through integration of critical and relevant indicators into the monitoring system for children. • Adopt policies and measures that will protect and promote the rights and welfare of children victims of trafficking and coordinate and monitor their implementation. • Address issues on trafficking of children through policy and program interventions.

Philippine Information Agency (PIA)	<ul style="list-style-type: none"> • Enhance public awareness on trafficking in persons, pertinent laws and possible actions to prevent victimization and re- victimization by developing public advocacy program as well as printing and distributing appropriate information materials.
Technical Education and Skills Development Authority (TESDA)	<ul style="list-style-type: none"> • Provide skills and entrepreneurial training to trafficked victims • Formulate a special program to ensure the provision of appropriate skills training for trafficked victims.
Anti-Money Laundering Council (AMLC)	<ul style="list-style-type: none"> • Assist the Council and law enforcement agencies in the financial investigation of trafficking in persons cases as a predicate offense of money laundering. • Act on request of IACAT and law enforcement agencies for issuance of freeze orders and institution on civil forfeiture proceedings against the assets of the traffickers.

Sec. 143. **Assistance of other agencies and institutions.** In implementing the Act and these rules and regulations, the agencies concerned may seek and enlist the assistance of NGOs, people's organizations (POs), civic organizations and other volunteer groups, which will all likewise be encouraged to assume the same roles and responsibilities enumerated in the preceding Section.

Sec. 144. **Roles and Responsibilities of Local Government Units (LGUs).** The LGUs shall have the following roles and responsibilities:

1. Monitor and document cases of trafficking in persons in their areas of jurisdiction.
2. Enact ordinances or issuances aimed at providing protection and support to trafficked persons and their families.
3. Effect cancellation of licenses of establishments which violate the anti- trafficking law.
4. Undertake information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces in coordination with DILG, PIA, CFO, NGOs and other concerned agencies.

5. Encourage and support community-based initiatives which address trafficking in persons.
6. Provide basic services for the prevention, rescue, recovery, rehabilitation and reintegration/after case support victims of trafficking in persons and their families.
7. Establish a separate and specialized center for trafficked victims and develop recovery and reintegration programs to include community/aftercare services.
8. To conduct trainings/seminars on human trafficking to relevant stakeholders in the community.
9. Strengthen, activate and mobilize existing committees, councils, similar organizations and special bodies at the provincial, city, municipal and barangay levels to prevent and suppress trafficking in persons.

Article IV

Sub-national structures against trafficking in persons

Sec. 145. ***Existing sub-national structures.*** The existing Regional Inter-Agency Committee Against Trafficking in Persons and Violence Against Women and Children (RIACAT-VAWC) as well as the Local Committee against Trafficking in Persons and Violence against Women and Children (LCAT-VAWC) established at the provincial and city/municipality levels pursuant to the Joint Resolution of the Inter-Agency Council Against Trafficking (IACAT) and the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC) adopted by IACAT on June 14, 2006 and by IAC-VAWC on June 20, 2006 shall continue to exist and function.

As originally contemplated, it shall serve as the policy and program coordinating and monitoring body of anti-trafficking efforts at the local level.

Sec. 146. ***Additional function of LCAT-VAWC.*** The LCAT-VAWC through the local social workers and in coordination with the barangay officials shall identify communities and families that are vulnerable to trafficking for purposes of providing appropriate interventions. They shall also recommend ordinance to implement local programs and interventions on anti-trafficking.

Sec. 147. **Preparation and submission of reports.** The existing sub-national structures shall prepare and submit annual reports on local initiatives according to the following schedule:

- (a) From municipal/component city to provincial local anti-trafficking committee, if present; or from municipal/component city social welfare and development office to provincial social welfare and development office: Every 15th of November.
- (b) From provincial/HUC provincial social welfare and development committee to DSWD Field Office: Every 30th of November.
- (c) From DSWD Field Office to IACAT Secretariat: Every 15th of December.

The IACAT in coordination with the IACVAWC shall develop standard annual report templates and additional guidelines to ensure timely compliance.

Sec. 148. **Technical assistance and functionality of local structures.** The DSWD and DILG shall provide technical assistance to local government units in organizing or strengthening the LCAT-VAWC. They shall likewise develop templates for local policies and standards on the functionality of these structures in addressing trafficking in persons. They shall also promote the utilization of the National Referral System (NRS) and the Philippine Anti-Trafficking Database (PATD). They shall regularly report to the Council the number of organized local structures and the activities undertaken by the local structures for inclusion in the annual and other reports of the Council.

Sec. 149. **Assistance of other IACAT member agencies and NGOs.** The other member agencies of the Council including other NGOs shall likewise extend assistance to local government units in organizing local IAC-VAWCs, especially in building local capacity on developing trafficking prevention programs and protection, recovery and reintegration programs for victims of trafficking. They shall report to the Council such assistance and support to local governments for inclusion in the annual and other reports of the Council.

Article V

Anti-Trafficking Task Forces and Special Law Enforcement Units

Sec. 150. ***Existing anti-trafficking task forces.***

- (a) The National Inter-Agency Law Enforcement Task Force Against Trafficking in Persons (NIATFAT) and the Local Inter-Agency Law Enforcement Task Force Against Trafficking in Persons (LIATFAT) established at various airports and seaports including land-based task forces shall continue to exist and function as created pursuant to the IACAT Guidelines.
- (b) The IACAT shall continually assess the situation in various airports and seaports around the country and establish an anti-trafficking task force as may be necessary.
- (c) All law enforcement agencies shall cooperate in the establishment and operations of the task forces, including the detail of their personnel to the composite task forces.
- (d) The IACAT or the NIATFAT shall likewise continually conduct training programs for the members of the task force and review the performance of the task forces.

Sec. 151. ***Special anti-trafficking in persons unit in the PNP.*** In addition to its existing specialist units such as the Women and Children Protection Desks (WCPDS) nationwide, the PNP shall organize a separate and dedicated anti-trafficking in person unit (ATIP Unit) at the national and regional levels, to be composed of trained TIP investigators that shall:

- (a) Exclusively handle cases involving violations of the Act;
- (b) Ensure the implementation of the specific roles and responsibilities of the PNP under the Act and these rules and regulations;
- (c) Work corroboratively with the “one-stop shop for women and children victims of abuse” under the WCPC in ensuring a child and gender sensitive case management;
- (d) Establish a similar unit in the sixteen (16) regions that will closely coordinate with the WCPDs nationwide; and
- (e) Carry out other tasks based on subsequent relevant IACAT issuances.

Sec. 152. ***Sharing of information and conduct of typology workshops.*** The IACAT or the NIATFAT shall periodically conduct sharing of information sessions, typology workshops and similar activities to allow the exchange of experiences and practices in the conduct of surveillance, interdiction, arrest, investigation and prosecution of trafficking cases among the members of various task forces, specialist units and prosecutors toward enhancing strategies and mechanisms to combat trafficking in persons.

Article VI Capacity Building

Sec. 153. ***Continuous development and updating of manuals, guidelines and other similar instruments.*** IACAT shall continuously develop manuals, guidelines and other similar instruments as may be necessary to enhance victim identification procedures, protection and assistance to trafficked persons, and investigation and prosecution of cases, and strengthen inter-agency collaboration.

Sec. 154. ***Capacity building framework and human resource development program.*** The IACAT, in consultation with member agencies and other stakeholders, shall develop and implement an integrated human resource development program for all government officials and personnel dealing with the issue of trafficking in persons. Such plan shall be pursued within the human rights based approach and in a child- and gender-sensitive framework. For this purpose, IACAT and its member agencies shall allocate resources to implement the program.

RULE IX Offenses and Penalties

Sec. 155. ***Acts of Trafficking in Persons.*** – Any person found guilty of committing any of the following acts shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00):

- (a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation;
- (b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under

Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

- (c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- (d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;
- (e) To maintain or hire a person to engage in prostitution or pornography;
- (f) To adopt persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (g) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;
- (i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child to engage in armed activities in the Philippines or abroad;
- (j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide or receive a person by means defined in Section 3 of this Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either:
 - (1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or
 - (2) To abuse or threaten the use of law or the legal processes;

- (k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of trading and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:
 - (1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict;
 - (2) The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;
 - (3) The use, procuring or offering of a child for the production and trafficking of drugs; and
 - (4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals; and

- (l) To organize or direct other persons to commit the offenses defined as acts of trafficking under this Act.

Sec. 156. ***Attempted Trafficking in Persons.*** – An attempt to commit any of the offenses enumerated in Section 4 of the Act shall constitute attempted trafficking in persons. Where there are acts to initiate the commission of a trafficking offense but the offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of trafficking in persons.

In cases where the victim is a child, any of the following acts shall also be deemed as attempted trafficking in persons:

- (a) Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development, or a written permit or justification from the child's parent or legal guardian;
- (b) Executing, for a consideration, an affidavit of consent or a written consent for adoption;
- (c) Recruiting a woman to bear a child for the purpose of selling the child;

- (d) Simulating a birth for the purpose of selling the child; and
- (e) Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, daycare centers, refugee or evacuation centers, and low-income families, for the purpose of selling the child.

Any person found guilty of committing attempted trafficking in persons shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Sec. 157. **Accomplice Liability.** – Any person who knowingly aids, abets, cooperates in the execution of any of the offenses defined in the Act by previous or simultaneous acts shall be punished as an accomplice and shall be punished with the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Sec. 158. **Accessory.** – Whoever has the knowledge of the commission of the crime, and without having participated therein, either as principal or as accomplice, takes part in its commission in any of the following manners:

- (a) By profiting himself/herself for assisting the offender to profit by the effects of the crime;
- (b) By concealing or destroying the body of the crime or effects or instruments thereof, in order to prevent its discovery; or
- (c) By harboring, concealing or assisting in the escape of the principal of the crime, provided the accessory acts with abuse of his or her public functions or is known to be habitually guilty of some other crime.

Any person found guilty of committing any of these shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Sec. 159. **Acts that Promote Trafficking in Persons.** - The following acts which promote or facilitate trafficking in persons shall be unlawful:

- (a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;
- (b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers, overseas

employment certificates or other certificates of any government agency which issues these certificates, decals and such other markers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

- (c) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;
- (d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;
- (e) To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;
- (f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies;
- (g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery;
- (h) To tamper with, destroy, or cause the destruction of evidence, or to influence or attempt to influence witnesses, in an investigation or prosecution of a case under the Act;
- (i) To destroy, conceal, remove, confiscate or possess, or attempt to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other travel, immigration or working permit or document, or any other actual or purported government identification, of any person in order to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person; or
- (j) To utilize his or her office to impede the investigation, prosecution or execution of lawful orders in a case under the Act.

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

Sec. 160. **Qualified Trafficking in Persons.** - The following are considered as qualified trafficking:

- (a) When the trafficked person is a child;
- (b) When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
- (d) When the offender is a spouse, an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
- (e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- (f) When the offender is a member of the military or law enforcement agencies;
- (g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS);
- (h) When the offender commits one or more violations of Section 4 over a period of sixty (60) or more days, whether those days are continuous or not; and
- (i) When the offender, directly or through another, manages the trafficking victim in carrying out the exploitative purpose of trafficking.

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

Sec. 161. **Violation of Confidentiality.** – At any stage of the investigation, rescue, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners, as well as parties to the case, shall protect the right to privacy of the trafficked person. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or any other information tending to establish the identity of the trafficked person and his or her family shall not be disclosed to the public.

It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or electronic information technology to cause publicity of the name, personal circumstances, or any information tending to establish the identity of the trafficked person except when the trafficked person in a written statement duly notarized knowingly, voluntarily and willingly waives said confidentiality.

Law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners shall be trained on the importance of maintaining confidentiality as a means to protect the right to privacy of victims and to encourage victims to file complaints.

Any person who violates this provision shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

SEC. 162. **Use of Trafficked Persons.** – Any person who buys or engages the services of a trafficked person for prostitution shall be penalized with the following: Provided, That the Probation Law (Presidential Decree No. 968) shall not apply:

- (a) *Prision Correccional* in its maximum period to prison mayor or six (6) years to twelve (12) years imprisonment and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00): Provided, however, That the following acts shall be exempted thereto:

- (1) If an offense under paragraph (a) involves sexual intercourse or lascivious conduct with a child, the penalty shall be reclusion temporal in its medium period to *reclusion perpetua* or seventeen (17) years to forty (40) years imprisonment and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- (2) If an offense under paragraph (a) involves carnal knowledge of, or sexual intercourse with, a male or female trafficking victim and also involves the use of force or intimidation, to a victim deprived of reason or to an unconscious victim, or a victim under twelve (12) years of age, instead of the penalty prescribed in the subparagraph above the penalty shall be a fine of not less than One million pesos (P1,000,000.00) but not more than Five million pesos (P5,000,000.00) and imprisonment of *reclusion perpetua* or forty (40) years imprisonment with no possibility of parole; except that if a person violating paragraph (a) of this section knows the person that provided prostitution services is in fact a victim of trafficking, the offender shall not be likewise penalized under this section but under Section 10 as a person violating Section 4 of the Act; and if in committing such an offense, the offender also knows a qualifying circumstance for trafficking, the offender shall be penalized under Section 10 for qualified trafficking. If in violating this section the offender also violates Section 4, the offender shall be penalized under Section 10 and, if applicable, for qualified trafficking instead of under this section;

(b) *Deportation.* – If a foreigner commits any offense described by paragraph

(1) or (2) of this section or violates any pertinent provision of the Act as an accomplice or accessory to, or by attempting any such offense, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country; and

(c) *Public Official.* – If the offender is a public official, he or she shall be dismissed from service and shall suffer perpetual absolute disqualification to hold public office, in addition to any imprisonment or fine received pursuant to any other provision of this Act.

Article II

Application of Penalties and Other Sanctions

Sec. 163. *Application of Penalties and Other Sanctions.*

- (a) In every case, conviction shall cause and carry the automatic revocation of the license or registration of the recruitment agency involved in trafficking. When the victim is a child, the license of a recruitment agency shall be automatically revoked.
- (b) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission.
- (c) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name.
- (d) If the offender is a foreigner, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country.
- (e) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His or her retirement and other benefits shall likewise be forfeited.
- (f) Conviction by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.

Sec. 164. **Confiscation and Forfeiture of the Proceeds and Instruments Derived from Trafficking in Persons.** - In addition to the penalty imposed for the violation of this Act, the court shall order the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act; Provided, however, That all awards for damages shall be taken from the personal and separate properties of the offender; Provided, further, That if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

When the proceeds, properties and instruments of the offense have been destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has been concealed, removed, converted or transferred to prevent the same from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offense.

RULE X FINAL PROVISIONS

Article I

Appropriations and Other Funding Sources

Sec. 165. **Funding.** The amount necessary to implement the provisions of the Act shall be charged against the current year's appropriations of the Inter-Agency Council Against Trafficking under the budget of the DOJ and the appropriations of the other concerned departments. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Sec. 166. **Other sources.** The amount collected from every penalty, fine or asset derived from any violation of the Act shall be earmarked as additional funds for the use of the Council. The fund may be augmented by grants, donations and endowment from various sources, domestic or foreign, for purposes related to their functions, subject to the existing accepted rules and regulations of the Commission on Audit.

Sec. 167. **Establishment of a Trust Fund; Sources.** The IACAT shall establish and manage a Trust Fund which shall be sourced from all fines imposed under the Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 of the Act.

Sec. 168. **Utilization.** The Trust Fund shall be used exclusively for programs that will prevent acts of trafficking and assist, protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but not limited to the following:

- (a) Provision for mandatory services set forth in Section 23 of the Act;
- (b) Sponsorship of a national research program on trafficking and establishment of a data collection system for monitoring and evaluation purposes;
- (c) Provision of necessary technical and material support services to appropriate government agencies and nongovernment organizations (NGOs);
- (d) Sponsorship of conferences and seminars to provide venue for consensus building among the public, the academe, government, NGOs and international organizations; and
- (e) Promotion of information and education campaign on trafficking. The Trust Fund may also be used to support the operations of the Secretariat.

Sec. 169. **Augmentation of agency funds.** Subject to existing government accounting and auditing rules and regulations, IACAT may augment agency and member-NGO funds for implementation of special programs and services for trafficked persons.

Sec. 170. **Use and Disbursement of Trust Fund.** The use and disbursement of the Trust Fund shall be subject to the approval of at least two-thirds (2/3) of the members of the Council and shall be governed by existing government accounting and auditing rules and regulations.

Sec. 171. **Inclusion in Agency Appropriations.** The heads of department and agencies concerned as well as of all LGUs shall include in their annual appropriations the funding necessary to implement programs and services required by the Act and these rules and regulations.

National government agencies and local government units may include the programs, projects and activities required to carry out their mandate under the law and these rules and regulations in their annual Gender and Development (GAD) Plan and Budget, in accordance with the GAD Planning and Budgeting Guidelines issued by the PCW with concerned agencies.

Article II Miscellaneous

Sec. 172. **Saving Clause.** The provisions of Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”, shall remain applicable and shall not in any way be amended or repealed by the provisions of the Act and these rules and regulations.

Sec. 173. **Separability Clause.** The declaration of invalidity of any provision of these rules and regulations or part thereof shall not affect the validity of the remaining provisions.

Sec. 174. **Repealing Clause.** Pertinent provisions of all laws, presidential decrees, executive orders and rules and regulations, or parts thereof, contrary to or inconsistent with the provisions of the Act and these rules and regulations are hereby repealed or modified accordingly.

Sec. 175. **Effectivity.** These rules and regulations shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

REPUBLIC ACT NO. 9208
Anti-Trafficking in Persons Act of 2003

Full Text

S. No. 2444
H. No. 4432

**Republic of the Philippines
Congress of the Philippines
Metro Manila
Twelfth Congress
Second Regular Session**

Begun and held in Metro Manila, on Monday, the Twenty-Second Day of July, Two Thousand Two.

REPUBLIC ACT NO. 9208

AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES

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

SECTION 1. **Title.** - This Act shall be known as the "Anti-Trafficking in Persons Act of 2003".

SEC. 2. **Declaration of Policy.** -It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect, 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 integration into the mainstream of society.

It shall be a State policy to recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.

SEC. 3. **Definition of Terms.** - As used in this Act:

- (a) **Trafficking in Persons** - refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

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

- (b) **Child** - refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- (c) **Prostitution** - refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- (d) **Forced Labor and Slavery** - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

- (e) **Sex Tourism** - refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.
- (f) **Sexual Exploitation** - refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.
- (g) **Debt Bondage** - refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.
- (h) **Pornography** - refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.
- (i) **Council** - shall mean the Inter-Agency Council Against Trafficking created under Section 20 of this Act.

SEC. 4. Acts of Trafficking in Persons. - It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

- (a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage

- in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- (d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;
 - (e) (e) To maintain or hire a person to engage in prostitution or pornography;
 - (f) (f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
 - (g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and
 - (h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

SEC. 5. *Acts that Promote Trafficking in Persons.* - The following acts which promote or facilitate trafficking in persons, shall be unlawful:

- (a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;
- (b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;
- (c) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;
- (d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;

- (e) To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;
- (f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies; and
- (g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.

SEC. 6. **Qualified Trafficking in Persons.** - The following are considered as qualified trafficking:

- (a) When the trafficked person is a child;
- (b) When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
- (d) When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
- (e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- (f) When the offender is a member of the military or law enforcement agencies; and
- (g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

SEC. 7. Confidentiality. - At any stage of the investigation, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person and the accused. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or of the accused, or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public.

In cases when prosecution or trial is conducted behind closed-doors, it shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or information technology to cause publicity of any case of trafficking in persons.

SEC. 8. Prosecution of Cases. - Any person who has personal knowledge of the commission of any offense under this Act, the trafficked person, the parents, spouse, siblings, children or legal guardian may file a complaint for trafficking.

SEC. 9. Venue. - A criminal action arising from violation of this Act shall be filed where the offense was committed, or where any of its elements occurred, or where the trafficked person actually resides at the time of the commission of the offense: *Provided*, That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

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

- (a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);
- (b) Any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than

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

- (c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);
- (d) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- (e) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;
- (f) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;
- (g) If the offender is a foreigner, he shall be immediately deported after serving his sentence and be barred permanently from entering the country;
- (h) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His/her retirement and other benefits shall likewise be forfeited; and
- (i) Conviction by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.

SEC. 11. **Use of Trafficked Persons.** - Any person who buys or engages the services of trafficked persons for prostitution shall be penalized as follows:

- (a) First offense - six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and
- (b) Second and subsequent offenses - imprisonment of one (1) year and a fine of One hundred thousand pesos (P100,000.00).

SEC. 12. **Prescriptive Period.** - Trafficking cases under this Act shall prescribe in ten (10) years: *Provided, however,* That trafficking cases committed by a syndicate or in a large scale as defined under Section 6 shall prescribe in twenty (20) years.

The prescriptive period shall commence to run from the day on which the trafficked person is delivered or released from the conditions of bondage and shall be interrupted by the filing of the complaint or information and shall commence to run again when such proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused.

SEC. 13. **Exemption from Filing Fees.** - When the trafficked person institutes a separate civil action for the recovery of civil damages, he/she shall be exempt from the payment of filing fees.

SEC. 14. **Confiscation and Forfeiture of the Proceeds and Instruments Derived from Trafficking in Persons.** - In addition to the penalty imposed for the violation of this Act, the court shall order the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act: *Provided, however,* That all awards for damages shall be taken from the personal and separate properties of the offender: *Provided, further,* That if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

When the proceeds, properties and instruments of the offense have been destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has been concealed, removed, converted or transferred to prevent the same from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offense.

SEC. 15. **Trust Fund.** - All fines imposed under this Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 hereof shall accrue to a Trust Fund to be administered and managed by the Council to be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but not limited to, the following:

- (a) Provision for mandatory services set forth in Section 23 of this Act;
- (b) Sponsorship of a national research program on trafficking and establishment of a data collection system for monitoring and evaluation purposes;
- (c) Provision of necessary technical and material support services to appropriate government agencies and non-government organizations (NGOs);
- (d) Sponsorship of conferences and seminars to provide venue for consensus building amongst the public, the academe, government, NGOs and international organizations; and
- (e) Promotion of information and education campaign on trafficking.

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

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

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

It shall establish and implement a pre-marriage, on-site and pre-departure counseling program on intermarriages.

- (b) Department of Social Welfare and Development (DSWD) - shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community.
- (c) Department of Labor and Employment (DOLE) - shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.
- (d) Department of Justice (DOJ) - shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups.
- (e) National Commission on the Role of Filipino Women (NCRFW) - shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women's issues.
- (f) Bureau of Immigration (BI) - shall strictly administer and enforce immigration and alien administration laws. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement as provided for in this Act.
- (g) Philippine National Police (PNP) - shall be the primary law enforcement agency to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. It shall closely coordinate with various law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. It shall also establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations.

- (h) Philippine Overseas Employment Administration (POEA) - shall implement an effective pre-employment orientation seminars and pre-departure counseling programs to applicants for overseas employment. It shall likewise formulate a system of providing free legal assistance to trafficked persons.
- (i) Department of the Interior and Local Government (DILG) - shall institute a systematic information and prevention campaign and likewise maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons.
- (j) Local government units (LGUs) - shall monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act and ensure effective prosecution of such cases. They shall also undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces in coordination with DILG, Philippine Information Agency (PIA), Commission on Filipinos Overseas (CFO), NGOs and other concerned agencies. They shall encourage and support community based initiatives which address the trafficking in persons.

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

SEC. 17. *Legal Protection to Trafficked Persons.* - Trafficked persons shall be recognized as victims of the act or acts of trafficking and as such shall not be penalized for crimes directly related to the acts of trafficking enumerated in this Act or in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of a trafficked person to the intended exploitation set forth in this Act shall be irrelevant.

SEC. 18. *Preferential Entitlement Under the Witness Protection Program.* Any provision of Republic Act No. 6981 to the contrary notwithstanding, any trafficked person shall be entitled to the witness protection program provided therein.

SEC. 19. *Trafficked Persons Who are Foreign Nationals.* - Subject to the guidelines issued by the Council, trafficked persons in the Philippines who are nationals of a foreign country shall also be entitled to appropriate protection, assistance and services available to trafficked persons under this Act: *Provided*, That they shall be permitted continued presence in the Philippines for a length of time prescribed by the Council as necessary to effect the prosecution of offenders.

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

- (a) Secretary, Department of Foreign Affairs;
- (b) Secretary, Department of Labor and Employment;
- (c) Administrator, Philippine Overseas Employment Administration;
- (d) Commissioner, Bureau of Immigration;
- (e) Director-General, Philippine National Police;
- (f) Chairperson, National Commission on the Role of Filipino Women; and
- (g) Three (3) representatives from NGOs, who shall be composed of one representative each from among the sectors representing women, overseas Filipino workers (OFWs) and children, with a proven record of involvement in the prevention and suppression of trafficking in persons. These representatives shall be nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years.

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

SEC. 21. *Functions of the Council.* - The Council shall have the following powers and functions:

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

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

SEC. 22. **Secretariat to the Council.** - The Department of Justice shall establish the necessary Secretariat for the Council.

SEC. 23. **Mandatory Services to Trafficked Persons.** - To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies shall make available the following services to trafficked persons:

- (a) Emergency shelter or appropriate housing;
- (b) Counseling;
- (c) Free legal services which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person;
- (d) Medical or psychological services;
- (e) Livelihood and skills training; and
- (f) Educational assistance to a trafficked child.
- (g) Sustained supervision and follow through mechanism that will track the progress of recovery, rehabilitation and reintegration of the trafficked persons shall be adopted and carried out.

SEC. 24. **Other Services for Trafficked Persons.** -

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

SEC. 25. **Repatriation of Trafficked Persons.** - The DFA, in coordination with DOLE and other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked persons, regardless of whether they are documented or undocumented.

If, however, the repatriation of the trafficked persons shall expose the victims to greater risks, the DFA shall make representation with the host government for the extension of appropriate residency permits and protection, as may be legally permissible in the host country.

SEC. 26. **Extradition.** - The DOJ, in consultation with DFA, shall endeavor to include offenses of trafficking in persons among extraditable offenses.

SEC. 27. **Reporting Requirements.** - The Council shall submit to the President of the Philippines and to Congress an annual report of the policies, programs and activities relative to the implementation of this Act.

SEC. 28. **Funding.** - The heads of the departments and agencies concerned shall immediately include in their programs and issue such rules and regulations to implement the provisions of this Act, the funding of which shall be included in the annual General Appropriations Act.

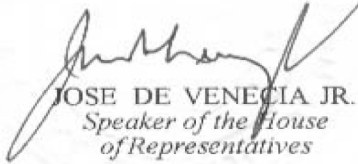
SEC. 29. **Implementing Rules and Regulations.** - The Council shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SEC. 30. **Non-restriction of Freedom of Speech and of Association, Religion and the Right to Travel.** - Nothing in this Act shall be interpreted as a restriction of the freedom of speech and of association, religion and the right to travel for purposes not contrary to law as guaranteed by the Constitution.

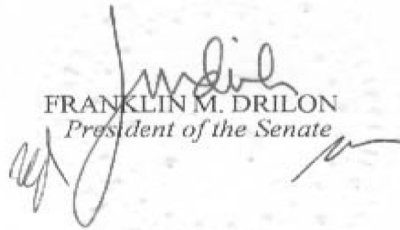
SEC. 31. **Separability Clause.** - If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SEC. 32. **Repealing Clause.** - All laws, presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly: *Provided*, That this Act shall not in any way amend or repeal the provision of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act".

SEC. 33. **Effectivity.** - This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.

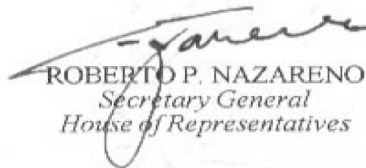


JOSE DE VENECIA JR.
*Speaker of the House
of Representatives*

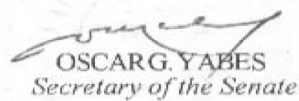


FRANKLIN M. DRILON
President of the Senate

This Act, which is a consolidation of Senate Bill No. 2444 and House Bill No. 4432 was finally passed by the Senate and the House of Representatives on May 12, 2003.



ROBERTO P. NAZARENO
*Secretary General
House of Representatives*



OSCAR G. YABES
Secretary of the Senate

Approved: **MAY 26 2003**



GLORIA MACAPAGAL ARROYO
President of the Philippines



Republic Act 10364

Expanded Anti-Trafficking in Persons Act of 2012

Full Text

H. No. 6339

S. No. 2625

**Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Third Regular Session**

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

[REPUBLIC ACT NO. 10364]

**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:

SECTION 1. **Short Title.** – This Act shall be known as the “Expanded Anti-Trafficking in Persons Act of 2012”.

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

“SEC. 2. **Declaration of Policy.** – It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of 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.

“It shall be a State policy to recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Elimination of All Forms of Discrimination Against Women, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.”

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

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

“(a) **Trafficking in Persons** – refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

“The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.

“(b) **Child** – refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

“(c) **Prostitution** – refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse

or lascivious conduct in exchange for money, profit or any other consideration.

- "(d) **Forced Labor** – refers to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of, force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception including any work or service extracted from any person under the menace of penalty.
- "(e) **Slavery** – refers to the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
- "(f) **Involuntary Servitude** – refers to a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of the legal process.
- "(g) **Sex Tourism** – refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.
- "(h) **Sexual Exploitation** – refers to participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of the person, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in this Act.
- "(i) **Debt Bondage** – refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.

"(j) *Pornography* – refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

"(k) *Council* – shall mean the Inter-Agency Council Against Trafficking created under Section 20 of this Act."

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

"SEC. 4. ***Acts of Trafficking in Persons.*** – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

"(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation;

"(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

"(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

"(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

"(e) To maintain or hire a person to engage in prostitution or pornography;

"(f) To adopt persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

"(g) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

- "(h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;
- "(i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child to engage in armed activities in the Philippines or abroad;
- "(j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide or receive a person by means defined in Section 3 of this Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either:
- "(1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or
- "(2) To abuse or threaten the use of law or the legal processes; and
- "(k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of baring and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:
- "(1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict;
- "(2) The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;
- "(3) The use, procuring or offering of a child for the production and trafficking of drugs; and
- "(4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals; and
- "(l) To organize or direct other persons to commit the offenses defined as acts of trafficking under this Act."

SEC. 5. A new Section 4-A is hereby inserted in Republic Act No. 9208, to read as follows:

“SEC. 4-A. **Attempted Trafficking in Persons.** – Where there are acts to initiate the commission of a trafficking offense but the offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of trafficking in persons. As such, an attempt to commit any of the offenses enumerated in Section 4 of this Act shall constitute attempted trafficking in persons.

“In cases where the victim is a child, any of the following acts shall also be deemed as attempted trafficking in persons:

- “(a) Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development, or a written permit or justification from the child’s parent or legal guardian;
- “(b) Executing, for a consideration, an affidavit of consent or a written consent for adoption;
- “(c) Recruiting a woman to bear a child for the purpose of selling the child;
- “(d) Simulating a birth for the purpose of selling the child; and
- “(e) Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, daycare centers, refugee or evacuation centers, and low-income families, for the purpose of selling the child.”

SEC. 6. A new Section 4-B is hereby inserted in Republic Act No. 9208, to read as follows:

“SEC. 4-B. **Accomplice Liability.** – Whoever knowingly aids, abets, cooperates in the execution of the offense by previous or simultaneous acts defined in this Act shall be punished in accordance with the provisions of Section 10(c) of this Act.”

SEC. 7. A new Section 4-C is hereby inserted in Republic Act No. 9208, to read as follows:

“SEC. 4-C. **Accessories.** – Whoever has the knowledge of the commission of the crime, and without having participated therein, either as principal or as accomplices, take part in its commission in any of the following manners:

- "(a) By profiting themselves or assisting the offender to profit by the effects of the crime;
- "(b) By concealing or destroying the body of the crime or effects or instruments thereof, in order to prevent its discovery;
- "(c) By harboring, concealing or assisting in the escape of the principal of the crime, provided the accessory acts with abuse of his or her public functions or is known to be habitually guilty of some other crime.

"Acts defined in this provision shall be punished in accordance with the provision of Section 10(d) as stated thereto."

SEC. 8. Section 5 of Republic Act No. 9208 is hereby amended to read as follows:

"SEC. 5. **Acts that Promote Trafficking in Persons.** – The following acts which promote or facilitate trafficking in persons, shall be unlawful

- "(a) xxx
- "(b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers, overseas employment certificates or other certificates of any government agency which issues these certificates, decals and such other markers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;
- "(c) xxx
- "(d) xxx
- "(e) xxx
- "(f) xxx
- "(g) xxx
- "(h) To tamper with, destroy, or cause the destruction of evidence, or to influence or attempt to influence witnesses, in an investigation or prosecution of a case under this Act;
- "(i) To destroy, conceal, remove, confiscate or possess, or attempt to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other travel, immigration or working permit or document, or any other actual or purported government identification, of any person in order to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person; or

"(j) To utilize his or her office to impede the investigation, prosecution or execution of lawful orders in a case under this Act."

SEC. 9. Section 6 of Republic Act No. 9208 is hereby amended to read as follows:

"SEC. 6. **Qualified Trafficking in Persons.** – Violations of Section 4 of this Act shall be considered as qualified trafficking:

"X X X

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

"X X X

"(f) When the offender is a member of the military or law enforcement agencies;

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

"(h) When the offender commits one or more violations of Section 4 over a period of sixty (60) or more days, whether those days are continuous or not; and

"(i) When the offender directs or through another manages the trafficking victim in carrying out the exploitative purpose of trafficking."

SEC. 10. Section 7 of Republic Act No. 9208 is hereby amended to read as follows:

"SEC. 7. **Confidentiality.** – At any stage of the investigation, rescue, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners, as well as parties to the case, shall protect the right to privacy of the trafficked person. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or any other information tending to

establish the identity of the trafficked person and his or her family shall not be disclosed to the public.

“It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or electronic information technology to cause publicity of the name, personal circumstances, or any information tending to establish the identity of the trafficked person except when the trafficked person in a written statement duly notarized knowingly, voluntarily and willingly waives said confidentiality.

“Law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners shall be trained on the importance of maintaining confidentiality as a means to protect the right to privacy of victims and to encourage victims to file complaints.”

SEC. 11. Section 8 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 8. **Initiation and Prosecution of Cases.** –

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

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

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

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

SEC. 12. Section 10 of Republic Act No. 9208 is hereby amended to read as follows:

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

- “(a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);
- “(b) Any person found guilty of committing any of the acts enumerated in Section 4-A of this Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- “(c) Any person found guilty of Section 4-B of this Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

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

- “(d) Any person found, guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- “(e) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);
- “(f) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- “(g) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;

- "(h) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;
- "(i) If the offender is a foreigner, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country;
- "(j) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act.

The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His or her retirement and other benefits shall likewise be forfeited; and

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

SEC. 13. Section 11 of Republic Act No. 9208 is hereby amended to read as follows:

"SEC. 11. **Use of Trafficked Persons.** – Any person who buys or engages the services of a trafficked person for prostitution shall be penalized with the following: *Provided*, That the Probation Law (Presidential Decree No. 968) shall not apply:

- "(a) **Prision Correccional** in its maximum period to *prision mayor* or six (6) years to twelve (12) years imprisonment and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00): *Provided, however*, That the following acts shall be exempted thereto:

- "(1) If an offense under paragraph (a) involves sexual intercourse or lascivious conduct with a child, the penalty shall be *reclusion temporal* in its medium period to *reclusion*

perpetua or seventeen (17) years to forty (40) years imprisonment and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

"(2) If an offense under paragraph (a) involves carnal knowledge of, or sexual intercourse with, a male or female trafficking victim and also involves the use of force or intimidation, to a victim deprived of reason or to an unconscious victim, or a victim under twelve (12) years of age, instead of the penalty prescribed in the subparagraph above the penalty shall be a fine of not less than One million pesos (P1,000,000.00) but not more than Five million pesos (P5,000,000.00) and imprisonment of *reclusion perpetua* or forty (40) years imprisonment with no possibility of parole; except that if a person violating paragraph (a) of this section knows the person that provided prostitution services is in fact a victim of trafficking, the offender shall not be likewise penalized under this section but under Section 10 as a person violating Section 4; and if in committing such an offense, the offender also knows a qualifying circumstance for trafficking, the offender shall be penalized under Section 10 for qualified trafficking. If in violating this section the offender also violates Section 4, the offender shall be penalized under Section 10 and, if applicable, for qualified trafficking instead of under this section;

"(b) **Deportation.** – If a foreigner commits any offense described by paragraph (1) or (2) of this section or violates any pertinent provision of this Act as an accomplice or accessory to, or by attempting any such offense, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country; and

"(c) **Public Official.** – If the offender is a public official, he or she shall be dismissed from service and shall suffer perpetual absolute disqualification to hold public, office, in addition to any imprisonment or fine received pursuant to any other provision of this Act."

SEC. 14. Section 12 of Republic Act No. 9208 is hereby amended to read as follows:

"SEC. 12. **Prescriptive Period.** – Trafficking cases under this Act shall prescribe in ten (10) years: *Provided, however,* That trafficking cases committed by a syndicate or in a large scale as defined under Section 6, or against a child, shall prescribe in twenty (20) years.

“The prescriptive period shall commence to run from the day on which the trafficked person is delivered or released from the conditions of bondage, or in the case of a child victim, from the day the child reaches the age of majority, and shall be interrupted by the filing of the complaint or information and shall commence to run again when the proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused.”

SEC. 15. Section 16 of Republic Act No. 9208 is hereby amended to read as follows:

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

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

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

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

“(b) **Department of Social Welfare and Development (DSWD)** – shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for

accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community. It shall establish free temporary shelters, for the protection and housing of trafficked persons to provide the following basic services to trafficked persons:

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

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

- "(c) **Department of Labor and Employment (DOLE)** – shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.
- "(d) **Department of Justice (DOJ)** – shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups.
- "(e) **Philippine Commission on Women (PCW)** – shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women's issues.
- "(f) **Bureau of Immigration (BI)** – shall strictly administer and enforce immigration and alien administration laws. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals

with the guidance and counseling requirement as provided for in this Act.

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

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

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

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

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

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

"(i) Department of the Interior and Local Government (DILG) – shall institute a systematic information and prevention campaign in coordination with pertinent agencies of government as

provided for in this Act. It shall provide training programs to local government units, in coordination with the Council, in ensuring wide understanding and application of this Act at the local level.

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

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

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

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

SEC. 16. A new Section 16-A is hereby inserted into Republic Act No. 9208, to read as follows:

"SEC. 16-A. **Anti-Trafficking in Persons Database.** – An anti-trafficking in persons central database shall be established by the Inter-Agency Council Against Trafficking created under Section 20 of this Act. The Council shall submit a report to the President of the Philippines and to Congress, on or before January 15 of every year, with respect to the preceding year's programs and data on trafficking-related cases.

"All government agencies tasked under the law to undertake programs and render assistance to address trafficking in persons shall develop their respective monitoring and data collection systems, and databases, for

purposes of ensuring efficient collection and storage of data on cases of trafficking in persons handled by their respective offices. Such data shall be submitted to the Council for integration in a central database system.

“For this purpose, the Council is hereby tasked to ensure the harmonization and standardization of databases, including minimum data requirements, definitions, reporting formats, data collection systems, and data verification systems. Such databases shall have, at the minimum, the following information:

- “(a) The number of cases of trafficking in persons, sorted according to status of cases, including the number of cases being investigated, submitted for prosecution, dropped, and filed and/or pending before the courts and the number of convictions and acquittals;
- “(b) The profile/information on each case;
- “(c) The number of victims of trafficking in persons referred to the agency by destination countries/areas and by area of origin; and
- “(d) Disaggregated data on trafficking victims and the accused/defendants.”

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

“SEC. 17. **Legal Protection to Trafficked Persons.** – Trafficked persons shall be recognized as victims of the act or acts of trafficking and as such, shall not be penalized for unlawful acts committed as a direct result of, or as an incident or in relation to, being trafficked based on the acts of trafficking enumerated in this Act or in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of a trafficked person to the intended exploitation set forth in this Act shall be irrelevant.

“Victims of trafficking for purposes of prostitution as defined under Section 4 of this Act are not covered by Article 202 of the Revised Penal Code and as such, shall not be prosecuted, fined, or otherwise penalized under the said law.”

SEC. 18. A new Section 17-A is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 17-A. **Temporary Custody of Trafficked Victims.** – The rescue of victims should be done as much as possible with the assistance of the DSWD or an accredited NGO that services trafficked victims. A law enforcement officer, on a reasonable suspicion that a person is a victim of any offense defined under this Act including attempted trafficking, shall immediately place that person in the temporary custody of the local social

welfare and development office, or any accredited or licensed shelter institution devoted to protecting trafficked persons after the rescue.”

SEC. 19. A new Section 17-B is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 17-B. ***Irrelevance of Past Sexual Behavior, Opinion Thereof or Reputation of Victims and of Consent of Victims in Cases of Deception, Coercion and Other Prohibited Means.*** – The past sexual behavior or the sexual predisposition of a trafficked person shall be considered inadmissible in evidence for the purpose of proving consent of the victim to engage in sexual behavior, or to prove the predisposition, sexual or otherwise, of a trafficked person. Furthermore, the consent of a victim of trafficking to the intended exploitation shall be irrelevant where any of the means set forth in Section 3(a) of this Act has been used.”

SEC. 20. A new Section 17-C is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 17-C. ***Immunity from Suit, Prohibited Acts and Injunctive Remedies.*** – No action or suit shall be brought, instituted or maintained in any court or tribunal or before any other authority against any: (a) law enforcement officer; (b) social worker; or (c) person acting in compliance with a lawful order from any of the above, for lawful acts done or statements made during an authorized rescue operation, recovery or rehabilitation/intervention, or an investigation or prosecution of an anti-trafficking case: *Provided*, That such acts shall have been made in good faith.

“The prosecution of retaliatory suits against victims of trafficking shall be held in abeyance pending final resolution and decision of criminal complaint for trafficking.

“It shall be prohibited for the DFA, the DOLE, and the POEA officials, law enforcement officers, prosecutors and judges to urge complainants to abandon their criminal, civil and administrative complaints for trafficking.

“The remedies of injunction and attachment of properties of the traffickers, illegal recruiters and persons involved in trafficking may be issued *motu proprio* by judges.”

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

“SEC. 20. ***Inter-Agency Council Against Trafficking.*** – There is hereby established an Inter-Agency Council Against Trafficking, to be composed of the Secretary of the Department of Justice as Chairperson

and the Secretary of the Department of Social Welfare and Development as Co-Chairperson and shall have the following as members:

- "(a) Secretary, Department of Foreign Affairs;
- "(b) Secretary, Department of Labor and Employment;
- "(c) Secretary, Department of the Interior and Local Government;
- "(d) Administrator, Philippine Overseas Employment Administration;
- "(e) Commissioner, Bureau of Immigration;
- "(f) Chief, Philippine National Police;
- "(g) Chairperson, Philippine Commission on Women;
- "(h) Chairperson, Commission on Filipinos Overseas;
- "(i) Executive Director, Philippine Center for Transnational Crimes;
and
- "(j) Three (3) representatives from NGOs, who shall include one (1) representative each from among the sectors representing women, overseas Filipinos, and children, with a proven record of involvement in the prevention and suppression of trafficking in persons. These representatives shall be nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years.

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

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

"SEC. 22. **Secretariat to the Council.** – The Department of Justice shall establish the necessary Secretariat for the Council.

"The secretariat shall provide support for the functions and projects of the Council. The secretariat shall be headed by an executive director, who shall be appointed by the Secretary of the DOJ upon the recommendation of the Council. The executive director must have adequate knowledge on, training and experience in the phenomenon of and issues involved in trafficking in persons and in the field of law, law enforcement, social work, criminology, or psychology.

“The executive director shall be under the supervision of the Inter-Agency Council Against Trafficking through its Chairperson and Co-Chairperson, and shall perform the following functions:

- “(a) Act as secretary of the Council and administrative officer of its secretariat;
- “(b) Advise and assist the Chairperson in formulating and implementing the objectives, policies, plans and programs of the Council, including those involving mobilization of government offices represented in the Council as well as other relevant government offices, task forces, and mechanisms;
- “(c) Serve as principal assistant to the Chairperson in the overall supervision of council administrative business;
- “(d) Oversee all council operational activities;
- “(e) Ensure an effective and efficient performance of council functions and prompt implementation of council objectives, policies, plans and programs;
- “(f) Propose effective allocations of resources for implementing council objectives, policies, plans and programs;
- “(g) Submit periodic reports to the Council on the progress of council objectives, policies, plans and programs;
- “(h) Prepare annual reports of all council activities; and
- “(i) Perform other duties as the Council may assign.”

SEC. 23. A new Section 26-A is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 26-A. ***Extra-Territorial Jurisdiction.*** – The State shall exercise jurisdiction over any act defined and penalized under this Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, the crime being a continuing offense, having been commenced in the Philippines and other elements having been committed in another country, if the suspect or accused:

- “(a) Is a Filipino citizen; or
- “(b) Is a permanent resident of the Philippines; or
- “(c) Has committed the act against a citizen of the Philippines.

“No prosecution may be commenced against a person under this

section if a foreign government, in accordance with jurisdiction recognized by the Philippines, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Secretary of Justice.

“The government may surrender or extradite persons accused of trafficking in the Philippines to the appropriate international court if any, or to another State pursuant to the applicable extradition laws and treaties.”

SEC. 24. Section 28 of Republic Act No. 9208 is hereby amended, to read as follows:

“SEC. 28. **Funding.** – The amount necessary to implement the provisions of this Act shall be charged against the current year’s appropriations of the Inter-Agency Council Against Trafficking under the budget of the DOJ and the appropriations of the other concerned departments. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.”

SEC. 25. A new Section 28-A is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 28-A. **Additional Funds for the Council.** – The amount collected from every penalty, fine or asset derived from any violation of this Act shall be earmarked as additional funds for the use of the Council. The fund may be augmented by grants, donations and endowment from various sources, domestic or foreign, for purposes related to their functions, subject to the existing accepted rules and regulations of the Commission on Audit.”

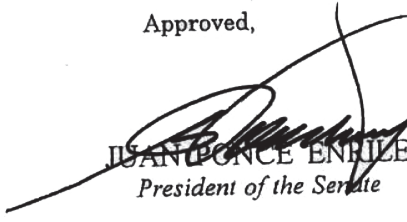
SEC. 26. Section 32 of Republic Act No. 9208 of the Repealing Clause is hereby amended to read as follows:


“SEC. 32. **Repealing Clause.** – Article 202 of the Revised Penal Code, as amended, and all laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly: *Provided*, That this Act shall not in any way amend or repeal the provisions of Republic Act No. 7610, otherwise known as the ‘Special Protection of Child Against Child Abuse, Exploitation and Discrimination Act.’”

SEC. 27. Section 33 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 33. **Effectivity.** – This Act shall take effect fifteen (15) days following its complete publication in at least two (2) newspapers of general circulation.”

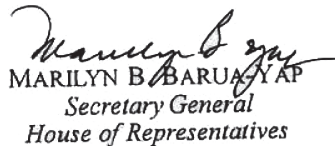
Approved,


ISANG PONCE ENRILE
President of the Senate



FELICIANO BELMONTE JR.
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 6339 and Senate Bill No. 2625 was finally passed by the House of Representatives and the Senate on December 4, 2012 and December 5, 2012, respectively.


EMMA LIRIO-REYES
Secretary of the Senate


MARILYN B. BARUA YAP
*Secretary General
House of Representatives*

Approved: FEB 06 2013


BENIGNO S. AQUINO III
President of the Philippines



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The Anti-Trafficking in Persons Act
Republic Act 9208 as Amended by Republic Act 10364
Full Text with Implementing Rules and Regulations

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