

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

*Pursuant to the authority of the Inter-Agency Council Against Trafficking (IACAT) under Section 29 of Republic Act No. 9208 otherwise known as the “Anti-Trafficking in Persons Act of 2003”, the following rules and regulations are hereby promulgated to implement the provisions of said Act:*

**ARTICLE I  
GENERAL PROVISIONS**

Section 1. **Title.** These rules and regulations shall be known and cited as “The Rules and Regulations Implementing the Anti-Trafficking in Persons Act of 2003”.

Section 2. **Purpose.** These rules and regulations are hereby promulgated to institute policies, establish the institutional mechanism for the support and protection of trafficked persons and prescribe the procedures and guidelines for the implementation of Republic Act No. 9208 in order to facilitate compliance therewith and achieve the objectives thereof.

Section 3. **Declaration of State Policies.** 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.

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) United Nations Universal Declaration on Human Rights;
- (ii) United Nations Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others;
- (iii) United Nations Convention on the Elimination of All Forms of Discrimination Against Women;
- (iv) United Nations Convention on the Rights of the Child and its Optional Protocols;
- (v) United Nations Convention on the Protection of Migrant Workers and Members of their Families;
- (vi) United Nations Convention Against Transnational Organized Crimes including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- (vii) ILO Convention No. 182 (Convention Concerning the Prohibition and Immediate

1 Action for the Elimination of the Worst Forms of Child Labor); and

2 (viii) All other relevant and universally accepted human rights instruments and other  
3 international conventions to which the Philippines is a State Party.

4 In all actions concerning children, their best interests shall be the paramount consideration.

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

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9 **ARTICLE II**  
10 **DEFINITION OF TERMS**

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

14 (a) *Act* - refers to Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons  
15 Act of 2003";

16 (b) *Council* - refers to the Inter-Agency Council Against Trafficking (IACAT) created under  
17 Section 20 of the Act;

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

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

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

32 (e) *Prostitution* - refers to any act, transaction, scheme or design involving the use of a person  
33 by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other  
34 consideration;

35 (f) *Forced Labor and Slavery* - refer to the extraction of work or services from any person by  
36 means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of  
37 freedom, abuse of authority or moral ascendancy, debt-bondage or deception;

38 (g) *Sex Tourism* - refers to a program organized by travel and tourism-related establishments

1 and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual  
2 services as enticement for tourists. This includes sexual services and practices offered during rest and  
3 recreation periods for members of the military;

4 (h) *Sexual Exploitation* - refers to participation by a person in prostitution or the production of  
5 pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force,  
6 abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability;

7 (i) *Debt Bondage* - refers to the pledging by the debtor of his/her personal services or labor or  
8 those of a person under his/her control as security or payment for a debt, when the length and nature of  
9 services is not clearly defined or when the value of the services as reasonably assessed is not applied  
10 toward the liquidation of the debt;

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

15 (k) *Involuntary Servitude* - refers to a condition of enforced, compulsory service induced by  
16 means of any scheme, plan or pattern, intended to cause a person to believe that, if the person did not  
17 enter into or continue in such condition, that person or another person would suffer serious harm or  
18 other forms of abuse or physical restraint, or the abuse or threatened abuse of the legal process.

19  
20 **ARTICLE III**  
21 **THE INTER-AGENCY COUNCIL AGAINST**  
22 **TRAFFICKING (IACAT)**  
23

24 Section 6. **Creation.** The Inter-Agency Council Against Trafficking (IACAT) shall be  
25 established which shall be primarily tasked to coordinate, monitor and oversee the implementation of  
26 the Act .

27 Section 7. **Composition.** The Council shall be composed of the following:

- 28 (a) Secretary, Department of Justice (DOJ) as Chairperson;  
29 (b) Secretary, Department of Social Welfare and Development (DSWD) as Co-  
30 Chairperson;  
31 (c) Secretary, Department of Foreign Affairs (DFA) as Member;  
32 (d) Secretary, Department of Labor and Employment (DOLE) as Member;  
33 (e) Administrator, Philippine Overseas Employment Administration (POEA) as Member;  
34 (f) Commissioner, Bureau of Immigration (BI) as Member;  
35 (g) Director-General, Philippine National Police (PNP) as Member;  
36 (h) Chairperson, National Commission on the Role of Filipino Women (NCRFW) as  
37 Member;  
38 (i) One (1) representative from an NGO representing the women sector as Member;

1 (j) One (1) representative from an NGO representing the Overseas Filipino Workers  
2 (OFWs) sector as Member; and

3 (k) One (1) representative from an NGO representing the children sector as Member.

4 The members of the Council may designate their permanent representatives who shall have a  
5 rank not lower than an Assistant Secretary or its equivalent to attend the meetings of the Council.

6 Section 8. **Qualifications, Selection and Appointment of NGO and its Representatives.**

7 The NGOs, with national and international networks, and its representatives to the Council must have a  
8 proven track record of involvement in the prevention and suppression of trafficking in persons. They  
9 shall be nominated by any of the government agency representatives of the Council and shall be  
10 selected by majority vote thereof and endorsed to the President. They shall be appointed by the  
11 President for a term of three (3) years.

12 Section 9. **Functions of the Council.** The Council shall have the following powers and  
13 functions:

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

- 1 patterns and scheme of trafficking in persons which shall form the basis for policy  
2 formulation and program direction;
- 3 (k) Develop the mechanism to ensure the timely coordinated and effective response to  
4 cases of trafficking in persons;
- 5 (l) Recommend measures to enhance cooperative efforts and mutual assistance among  
6 foreign countries through bilateral and/or multilateral arrangements to prevent and  
7 suppress international trafficking in persons;
- 8 (m) Coordinate with the Department of Transportation and Communications (DOTC),  
9 Department of Trade and Industry (DTI), and other NGOs in monitoring the promotion  
10 of advertisement of trafficking in the Internet;
- 11 (n) Adopt measures and policies to protect the rights and needs of trafficked persons who  
12 are foreign nationals in the Philippines;
- 13 (o) Initiate training programs in identifying and providing the necessary intervention or  
14 assistance to trafficked persons; and
- 15 (p) Exercise all the powers and perform such other functions necessary to attain the  
16 purposes and objectives of the Act.

17 Section 10. **Reportorial Function.** Within sixty (60) days after the closing of each calendar  
18 year, the Council shall submit to the Office of the President a comprehensive report on the actions and  
19 programs taken by the Council relative to and concerning the implementation of the Act.

20 Section 11. **Meetings of the Council.** The Council shall meet regularly at least once a month.  
21 Special meetings may be called by the Chair as the need arises. Majority of the members of the Council  
22 shall constitute a quorum to transact business.

23 Section 12. **Honoraria or Emoluments.** The Members of the Council or their designated  
24 permanent representatives shall receive honoraria or emoluments as may be determined by the Council  
25 in accordance with existing budget and accounting rules and regulations.

26  
27 **ARTICLE IV**  
28 **SECRETARIAT**  
29

30 Section 13. **Organization.** The Department of Justice shall establish a Secretariat to assist the  
31 Council in the performance of its functions.

32 Section 14. **Functions.** The Secretariat shall have the following functions:

- 33 (a) Coordinate and monitor, under the direction of the Council, the implementation of the  
34 policies and guidelines promulgated by the Council;
- 35 (b) Provide secretariat, records keeping and other services to the Council;
- 36 (c) Establish, maintain and manage a central database on trafficking in persons; and
- 37 (d) Perform such other functions as may be directed by the Council.
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**ARTICLE V**  
**ROLES AND RESPONSIBILITIES**

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4       Section 15. **Common Roles and Responsibilities of Council Member Agencies** – All  
5 member government agencies of the Council shall have the following common roles and  
6 responsibilities:

- 7           (a) Develop policies and programs supportive of and consistent with the objectives of  
8           the Act;
- 9           (b) Enhance the capability of its officers and personnel involved in trafficking issues and  
10           concerns through appropriate training program;
- 11           (c) Undertake information, education and advocacy campaigns against trafficking in  
12           persons;
- 13           (d) Maintain a databank on trafficking in persons to be shared among relevant agencies  
14           and complement the central databank to be established by the Council; and
- 15           (e) Document good practices as basis for policy formulation and program development.

16       Section 16. **Specific Roles and Responsibilities of National Government Agencies which**  
17 **are Members of the Council.** - The following national government agencies, which are member  
18 agencies of the Council, shall have, but not limited to, the following roles and responsibilities in the  
19 prevention and suppression of trafficking in persons:

20           (a) *Department of Justice (DOJ)*

- 21           (i) Ensure the prosecution of persons for violations of the Act;
- 22           (ii) Designate and train special prosecutors who shall investigate and  
23           prosecute cases of trafficking;
- 24           (iii) Establish a mechanism for free legal assistance for trafficked persons, in  
25           coordination with the DSWD, Commission on Human Rights (CHR),  
26           Integrated Bar of the Philippines (IBP) and other NGOs and volunteer  
27           groups;
- 28           (iv) Provide, when applicable, witness protection and immunity from prosecution  
29           to trafficked victims and their witnesses;
- 30           (v) Conduct training and education program on investigation and prosecution for  
31           trafficking in persons and other related offenses for prosecutors and law  
32           enforcement officers;
- 33           (vi) Receive, evaluate, process and investigate claims for compensation by  
34           trafficked victims, when applicable, pursuant to Republic Act No. 7309  
35           (Victims Compensation Act);
- 36           (vii) Review and recommend policies and measures to enhance protection  
37           against trafficking in persons;

- 1 (viii) Recommend the negotiation of mutual legal assistance treaties with other  
2 countries in coordination with the DFA; and  
3 (ix) Coordinate with and/or provide assistance to the Anti-Money Laundering  
4 Council (AMLC) on cases of trafficking in persons with possible money  
5 laundering underpinnings.

6 (b) *Department of Social Welfare and Development (DSWD)*

- 7 (i) Provide psycho-social counseling, temporary shelter and other support  
8 services to victims/survivors of trafficking and their families;  
9 (ii) Make available skills training and livelihood services to victims/survivors of  
10 trafficking;  
11 (iii) Develop program and other support interventions to facilitate the recovery  
12 and reintegration of trafficked victims into their families and communities;  
13 (iv) Provide social welfare services to Filipino victims of trafficking in other  
14 countries through the DSWD Social Welfare Attaché and social workers  
15 posted in foreign countries, which may include but not limited to stress  
16 management, repatriation and other appropriate psychosocial interventions  
17 for their protection and welfare;  
18 (v) Conduct technical assistance and capability building activities for social  
19 welfare officers/social workers of LGUs and NGOs;  
20 (vi) Accredite NGOs that provide programs and services to ensure that they meet  
21 the standards set by the Department; and  
22 (vii) Provide temporary shelter and psycho social services to foreign nationals  
23 who are victims of trafficking in persons as confirmed by the Bureau of  
24 Immigration.

25 (c) *Department of Foreign Affairs (DFA)*

- 26 (i) Make available its resources and facilities overseas and to provide services  
27 for trafficked persons regardless of the manner of their entry to the receiving  
28 country;  
29 (ii) Explore means to further enhance its assistance in eliminating trafficking  
30 activities through closer networking with government agencies in the country  
31 and overseas, particularly in the formulation of policies and implementation  
32 of relevant programs;  
33 (iii) Actively participate in bilateral, regional and international initiatives and  
34 cooperative arrangements aimed at suppressing trafficking in persons and  
35 protecting and assisting victims of trafficking.  
36 (iv) Take necessary measures for the efficient implementation of the Machine  
37 Readable Passports to protect the integrity of Philippine passports, visas,

1 and other travel documents to reduce the incidence of trafficking in  
2 persons through the use of fraudulent identification documents;

- 3 (v) Establish and implement pre-marriage, on-site and pre-departure  
4 counseling program on inter-marriages. For this purpose, the DFA shall  
5 promulgate the necessary guidelines to implement the said program; and
- 6 (vi) Integrate into the pre-departure orientation seminars for foreign service  
7 personnel a training module on trafficking in persons.

8 *(d) Department of Labor and Employment (DOLE)*

- 9 (i) Ensure the strict implementation of and compliance with rules and guidelines  
10 relative to the employment of persons locally and overseas; and
- 11 (ii) Monitor, document and report cases of trafficking in persons involving  
12 employers and labor recruiters.

13 *(e) Philippine Overseas Employment Administration (POEA)*

- 14 (i) Implement an effective pre-employment orientation seminar and pre-  
15 departure counseling program to applicants for overseas employment;
- 16 (ii) Formulate a system providing free legal assistance to trafficked persons  
17 which shall include the following:
  - 18 (a) Provision of legal assistance to victims of trafficking in persons by  
19 means of, or in the guise of, recruitment of overseas employment,  
20 as defined in Section 6 of R.A. No. 8042, such as free legal advice,  
21 assistance in the preparation and filing of administrative and  
22 criminal actions for trafficking as defined in the Act, without  
23 prejudice to the filing of administrative and/or criminal actions for  
24 illegal recruitment, as defined in R.A. No. 8042, when proper;
  - 25 (b) Assistance in the prosecution of persons who engage in, promote  
26 and facilitate trafficking in persons by means of, or in the guise of,  
27 recruitment for overseas employment, as defined in Section 6 of  
28 R.A. 8042;

29 In this connection, the POEA shall likewise adopt a policy  
30 of confidentiality in all cases referred to it which involve possible  
31 violations of the Act.

- 32 (iii) Adopt policies and procedures, prepare and implement programs geared  
33 towards the eradication of trafficking in persons as well as acts that promote  
34 trafficking in persons such as, but not limited to, the following:
  - 35 (a) Provide a Comprehensive and Integrated Education Program on  
36 overseas employment which shall be undertaken in partnership with  
37 other relevant organizations and government entities. Such

1 education program shall cover all stages of recruitment and  
2 employment and shall provide information useful for overseas  
3 workers including a module on anti-trafficking program and  
4 measures;

5 (b) Conduct a nationwide multi-media and sustainable grassroots  
6 information campaign to create public awareness on the realities of  
7 overseas employment and dangers of becoming victims of illegal  
8 trafficking activities;

9 (c) Conduct special operations, complementary to the power of the  
10 PNP, on persons and entities engaged in recruitment for overseas  
11 employment reported to be violating the provisions of the Act for the  
12 purpose of effecting closure of said establishments pursuant to the  
13 provisions of R.A. No. 8042;

14 (d) Maintain database of cases involving, and personalities involved in,  
15 trafficking persons separate and distinct from its illegal Recruitment  
16 cases for monitoring purposes; and

17 (e) In cases of repatriation involving workers recruited and deployed by  
18 licensed agencies, the POEA shall notify the agency concerned to  
19 provide a plane ticket or Prepaid Travel Advice (PTA) and shall  
20 impose sanctions on said agencies for failure to cooperate in  
21 providing welfare assistance to OFWs they have deployed.

22 (iv) Continue to regulate private sector participation in the recruitment and  
23 overseas placement of workers through its licensing and registration system  
24 pursuant to its rules and regulation on overseas employment. It shall  
25 formulate and implement, in coordination with appropriate entities  
26 concerned, when necessary, a system of promoting and monitoring the  
27 overseas employment of Filipino workers, taking into consideration their  
28 welfare and protection from the dangers and risks inherent in overseas  
29 employment, including illegal trafficking.

30 (f) *Bureau of Immigration (BI)*

31 (i) Strictly administer and enforce immigration and alien registration laws;

32 (ii) Adopt measures for the apprehension of suspected traffickers both at the  
33 place of arrival and departure;

34 (iii) Ensure compliance by the Filipino fiancés/fiancées and spouses of foreign  
35 nationals with the guidance and counseling requirement of the Act;

36 (iv) Strictly implement the requirement for a parental travel authority duly processed  
37 by the DSWD for minors traveling abroad unaccompanied by one parent,

- 1 and the travel clearance for minors traveling abroad unaccompanied by both  
2 parents;
- 3 (v) Ensure compliance by Overseas Filipino Workers of the departure  
4 requirements of the POEA;
- 5 (vi) Conduct periodic training and seminar on fraudulent document detection and  
6 passenger assessment to enhance the level of skill and competence of all its  
7 immigration officers and agents in document fraud detection;
- 8 (vii) Conduct periodic study of the trends, routes and modus operandi employed  
9 by the traffickers including its recruitment base, transit countries and country  
10 of destination;
- 11 (viii) Establish a network with other law enforcement agencies and immigration  
12 counterparts of source, transit and country destination to facilitate exchange  
13 and sharing of information on the activities of trafficking syndicates;
- 14 (ix) Establish network with LGUs for the effective apprehension of suspected  
15 traffickers and their cohorts;
- 16 (x) Develop a program for the procurement and installation of International Civil  
17 Aviation Organization (ICAO) - compliant machine readers and fraud  
18 detection equipment at all international airports and seaports in the country  
19 to deter trafficking in persons; and
- 20 (xi) Develop and distribute materials containing advisory and other pertinent  
21 information to enhance awareness against trafficking in persons.
- 22 (g) *Philippine National Police (PNP)*
- 23 (i) Serve as the primary law enforcement agency to undertake surveillance,  
24 investigation and arrest of individuals or persons suspected to be  
25 engaged in trafficking;
- 26 (ii) Closely coordinate with various law enforcement agencies to secure  
27 concerted efforts for effective investigation and apprehension of suspected  
28 traffickers. For this purpose, it shall also:
- 29 (a) Pursue the detection and investigation of suspected or  
30 alleged trafficking activities at airports through its Aviation  
31 Security Group, and at seaports and/or harbors through its  
32 Maritime Group, and when proper, file the appropriate  
33 charges against traffickers in proper court; and
- 34 (b) Coordinate with the Philippine Ports Authority (PPA) which  
35 may have initially processed complaints at their "*Balay*  
36 *Silungan sa Daungan*".

- 1 (iii) Establish a system to receive complaints and calls to assist trafficked  
2 persons, and the conduct of rescue operations;
- 3 (iv) Direct and supervise the enforcement of the Act and these rules and  
4 regulations;
- 5 (v) Supervise the conduct of investigations and the filing of appropriate cases  
6 against traffickers;
- 7 (vi) Formulate plans and programs for the prevention and/or reduction of  
8 trafficking in persons;
- 9 (vii) Integrate in the program of instruction comprehensive, gender sensitive and  
10 child-friendly investigation and handling of cases of trafficking in persons in  
11 the Philippine National Police Academy (PNPA), Philippine Public Safety  
12 College (PPSC) and other training schools operated and managed by the  
13 PNP; and
- 14 (viii) Establish anti-trafficking section under the Women and Children Concerns  
15 Division (WCCD) in all city and municipal police stations.

16 (h) *National Commission on the Role of Filipino Women (NCRFW)*

- 17 (i) Actively advocate and participate in international and regional discussion  
18 and initiatives in trafficking in women and include the same in all of its  
19 international commitments and policy pronouncements. Where possible and  
20 appropriate, work with the Department of Foreign Affairs in forging bilateral  
21 and multilateral collaborative projects on trafficking;
- 22 (ii) Assist the Council in the formulation and monitoring of policies addressing  
23 the issue of trafficking in persons in coordination with relevant government  
24 agencies;
- 25 (iii) Assist the Council in the conduct of information dissemination and training to  
26 frontline government agencies, NGOs and the general public;
- 27 (iv) Assist in the development of gender responsive documentation system in  
28 coordination with other agencies and the National Statistical Coordination  
29 Board (NSCB) through its monitoring of the situation of women particularly  
30 on violence against women;
- 31 (v) Assist the Council in the formulation of prevention and reintegration  
32 programs for victims of trafficking including the demand side; and
- 33 (vi) Conduct studies on the root causes, magnitude and forms of trafficking in  
34 women and document best practices in prevention programs.

35 Section 17. ***Roles and Responsibilities of Other Relevant National Government***  
36 ***Agencies.*** – Consistent with their mandates under existing laws, the following agencies shall integrate

1 human trafficking issues in their strategy and program formulation and implement programs and  
2 services for the prevention and suppression of trafficking and for the protection of trafficked victims.

3 They shall likewise have the following roles and responsibilities:

4 (a) *Department of the Interior and Local Government (DILG)*

- 5 (i) Institute a systematic information and prevention campaign and maintain a  
6 databank for the effective monitoring, documentation and prosecution of  
7 cases on trafficking in persons;
- 8 (ii) Issue directive for barangays to institutionalize recruiter-monitoring  
9 mechanisms and increase public awareness regarding trafficking in persons;
- 10 (iii) Promote family and community empowerment to prevent human trafficking;  
11 and
- 12 (iv) Mobilize existing committees, councils and similar organizations at the local  
13 level to prevent and suppress trafficking in persons.

14 (b) *Department of Tourism (DOT)*

- 15 (i) Formulate and implement preventive measures to stop sex tourism  
16 packages and other activities of tourism establishments which might  
17 contribute to the trafficking in persons in coordination with local government  
18 units; and
- 19 (ii) Provide training on surveillance, investigation and rescue operation  
20 strategies for tourist security officers.

21 (c) *Department of Education (DepEd)*

- 22 (i) Integrate in the appropriate subject areas core messages on migration and  
23 trafficking in the elementary and secondary levels by providing lesson with  
24 emphasis on their implications and social costs to persons and country;
- 25 (ii) Provide opportunities for trafficked persons in the educational mainstream  
26 through the basic education and non-formal education curricula; and
- 27 (iii) Provide education and raise consciousness of boys/men in schools and  
28 communities in order to discourage the “demand side” or the use/buying of  
29 trafficked women and children.

30 (d) *Department of Health (DOH)*

- 31 (i) Make available its resources and facilities in providing confidential health  
32 care to victims of trafficking.

33 (e) *Department of Transportation and Communication (DOTC)*

- 34 (i) Provide guidelines for the land, sea and air transport providers to train their  
35 personnel in trafficking in persons;
- 36 (ii) Standardize guidelines for monitoring trafficking in persons in every port; and
- 37 (iii) Monitor the promotion of advertisement of trafficking in the Internet.

- 1 (f) *Commission on Human Rights (CHR)*
- 2 (i) Conduct advocacy and training programs relating to anti-trafficking;
- 3 (ii) Investigate and recommend for prosecution violations of the Act; and
- 4 (iii) Provide legal and financial assistance to victims of trafficking.
- 5 (g) *National Bureau of Investigation (NBI)*
- 6 (i) Conduct surveillance, monitor and investigate recruiters, travel agencies,
- 7 hotels and other establishments suspected to be engaged in trafficking in
- 8 persons;
- 9 (ii) Coordinate closely with all the Council member agencies for effective
- 10 detection and investigation of suspected traffickers;
- 11 (iii) Formulate plans and programs for the detection and prevention of trafficking,
- 12 and the arrest and prosecution of suspected traffickers;
- 13 (iv) Sharing of intelligence information on suspected traffickers to all Council
- 14 member agencies; and
- 15 (v) Foster cooperation and coordination with the law enforcement agencies of
- 16 other countries and the INTERPOL in the investigation and apprehension of
- 17 suspected traffickers.
- 18 (h) *Philippine Center on Transnational Crime (PCTC)*
- 19 (i) Continue to function in accordance with its mandate pursuant to Executive
- 20 Order No. 62, s. 1999, on matters concerning trafficking in persons with
- 21 transnational dimension.
- 22 (i) *Overseas Workers Welfare Administration (OWWA)*
- 23 (i) Assist in the information and advocacy campaign among OFWs to prevent
- 24 trafficking in persons; and
- 25 (ii) Assist in the documentation of cases of trafficking and ensure the provision
- 26 of its programs and services to OFWs and their families.
- 27 (j) *Council for the Welfare of Children (CWC)*
- 28 (i) Integrate in its development and strategic frameworks issues and concerns
- 29 affecting trafficking in children and ensure the adoption of such frameworks
- 30 by the LGUs and other stakeholders;
- 31 (ii) Vigorously advocate against trafficking of children;
- 32 (iii) Improve data on trafficking in children through integration of critical and
- 33 relevant indicators into the monitoring system for children;
- 34 (iv) Adopt policies and measures that will protect and promote the rights and
- 35 welfare of children victims of trafficking and coordinate and monitor their
- 36 implementation; and

1 (v) Address issues on trafficking of children through policy and program  
2 interventions.

3 (k) *Philippine Information Agency (PIA)*

4 (i) Enhance public awareness on trafficking in persons, pertinent laws and  
5 possible actions to prevent victimization and re-victimization by developing  
6 public advocacy program as well as printing and distributing appropriate  
7 information materials.

8 (l) *Technical Education and Skills Development Authority (TESDA)*

9 (i) Provide skills and entrepreneurial training to trafficked victims; and

10 (ii) Formulate a special program to ensure the provision of appropriate skills  
11 training trafficked victims.

12 Section 18. ***Roles and Responsibilities of Local Government Units (LGUs)*** . - The  
13 LGUs shall have the following roles and responsibilities:

14 (a) Monitor and document cases of trafficked persons in their areas of jurisdiction;

15 (b) Effect the cancellation of licenses of establishments which violate the provisions of  
16 the Act;

17 (c) Ensure effective prosecution of trafficking cases;

18 (d) Undertake an information campaign against trafficking in persons through the  
19 establishment of the Migrants Advisory and Information Network (MAIN) desks in  
20 municipalities and provinces in coordination with the DILG, PIA, Commission on  
21 Filipino Overseas (CFO), NGOs and other concerned agencies;

22 (e) Encourage and support community based initiatives which address trafficking in  
23 persons; and

24 (f) Provide basic social services for the prevention, recovery, rehabilitation and  
25 reintegration/after care support services to victims of trafficking in persons and their  
26 families.

27 Section 19. ***Roles and Responsibilities of Non-Government Organizations which are***  
28 ***Members of the Council.*** – The NGO members of the Council shall have the following roles and  
29 responsibilities:

30 (a) Assist government agencies in implementing policies, programs and IEC campaign  
31 against trafficking;

32 (b) Coordinate with concerned government agencies, LGUs and other NGOs in reporting  
33 alleged perpetrators, rescuing victims of trafficking, and conducting  
34 investigation/surveillance, if indicated;

35 (c) Undertake programs and activities for the prevention, rescue, recovery and  
36 reintegration of the victims of trafficking and other support services for their families;

37 (d) Document and/or assist in the documentation of cases of trafficking;

- 1 (e) Disseminate guidelines to all its network members, local and international, on policies  
2 and programs addressing issues on trafficking in persons;  
3 (f) Formulate educational module to address the demand side of trafficking; and  
4 (g) Perform such other tasks as may be agreed upon by the Council.

5 Section 20. **Assistance of Other Agencies and Institutions.** - In implementing the Act and  
6 these rules and regulations, the agencies concerned may seek and enlist the assistance of NGOs,  
7 people's organizations (POs), civic organizations and other volunteer groups, which will all likewise  
8 be encouraged to assume the same roles and responsibilities enumerated in the preceding Section.

9  
10 **ARTICLE VI**  
11 **REPORTING OF SUSPECTED/ALLEGED**  
12 **TRAFFICKING INCIDENT**  
13

14 Section 21. **Who May and To Whom to Report.** - Any person who has any knowledge or  
15 learns of facts or circumstances that give rise to a reasonable belief that a person will be, or may be, or  
16 has been trafficked shall immediately report the same, either orally, in writing or through other means, to  
17 any member of the Council, the *barangay* authorities, the nearest police or other law enforcement  
18 agency, the local social welfare and development office or the local Council for the Protection of  
19 Children.

20 Section 22. **Action on the Report.** The agency, entity or person to whom the report is made  
21 shall immediately act on the same in coordination with other relevant government agency for  
22 appropriate intervention.

23 For this purpose, the Council shall develop a mechanism to ensure the timely, coordinated and  
24 effective response to cases of trafficking in persons.

25  
26 **ARTICLE VII**  
27 **INTERCEPTION, ARREST AND INVESTIGATION**  
28 **OF TRAFFICKERS**  
29

30 Section 23. **Procedure in the Interception, Arrest and Investigation of Traffickers in**  
31 **Persons at International Airport or Seaport.** When an offense punishable under the Act or any  
32 other offense in relation thereto or in furtherance thereof has been committed, or is actually being  
33 committed in the presence of an immigration officer assigned at the airport or seaport, he shall  
34 immediately cause the interception and/or arrest of the persons involved and deliver them to the  
35 concerned unit of the Bureau of Immigration (BI) for initial investigation. Thereafter, the investigating  
36 immigration unit shall turn over the custody of the persons involved together with the initial investigation  
37 report and other pertinent documents to the proper law enforcement agency for the conduct of  
38 investigation proper.

1 After investigation, the concerned law enforcement agency or officer shall immediately  
2 prepare and endorse the corresponding complaint together with the supporting documents to the  
3 inquest prosecutor assigned at the area or to the DOJ Task Force Against Trafficking in Persons or  
4 Task Force on Passport Irregularity, as the case may be, for inquest proceedings, or with the Municipal  
5 Trial Court of the place where the crime was committed in the case of municipalities and non-chartered  
6 cities for preliminary investigation.

7 If the person arrested is a foreigner, the concerned B.I. investigating unit shall take full custody  
8 over the arrested person, conduct the investigation proper *motu proprio* and endorse the complaint and  
9 supporting documents to the prosecutor for inquest proceedings or MTC Judge for appropriate  
10 proceedings.

11 The prosecutor shall conduct the inquest in accordance with the New Inquest Rules pursuant  
12 to DOJ Circular No. 61.

13 Section 24. ***Procedure in the Interception, Arrest and Investigation of Traffickers in***  
14 ***Persons at Local Airport or Seaport and Other Places.*** - In cases where the violation is committed at  
15 local seaport or airport or in any other place, the investigating law enforcement agency shall  
16 immediately conduct the necessary investigation on the person arrested, and prepare the corresponding  
17 report and referral to the Prosecutor's Office of the place where the offense was committed or to the  
18 DOJ Task Force Against Trafficking in Persons or Task Force on Passport Irregularities or Municipal  
19 Trial Court of the place where the crime was committed in case of municipalities and non-chartered  
20 cities for purposes of inquest or preliminary investigation as the case may be.

21 Section 25. ***Creation of a Joint Task Force Against Trafficking in Persons.*** - For the  
22 purpose of the above provisions, there shall be created a Joint Task Force Against Trafficking in  
23 Persons assigned at airports to be composed of Prosecutors, BI, PNP, and NBI personnel and another  
24 Task Force assigned at seaports to be composed of Prosecutors, PNP, BI, PPA, and PCG personnel.  
25 The DOJ National Task Force Against Trafficking in Persons shall issue the necessary guidelines for  
26 the effective coordination, investigation and prosecution of violations of the Act.

27 Section 26. ***Rights of the Person Arrested, Investigated or Detained.*** In all cases, the  
28 rights of the person arrested, investigated or detained as provided by the Philippine Constitution and  
29 under Republic Act No. 7438 (*An Act Defining Certain Rights of Persons Arrested, Detained or Under*  
30 *Custodial Investigation As Well As The Duties of the Arresting, Detaining and Investigating Officers, and*  
31 *Providing Penalties For Violations Thereof*) shall, at all times, be respected.

32  
33 **ARTICLE VIII**  
34 **RESCUE/RECOVERY AND REPATRIATION OF VICTIMS**  
35

36 Section 27. ***The Country Team Approach.*** – The country team approach under Executive  
37 Order No. 74, series of 1993 and further enunciated in Republic Act No. 8042 shall be the operational  
38 scheme under which Philippine embassies abroad shall provide protection to trafficked persons

1 regardless of their immigration status. Under the Country Team Approach, all officers, representatives  
2 and personnel of the Philippine government posted abroad regardless of their mother agencies  
3 shall, on a per country basis, act as one-country team with mission under the leadership of the  
4 Ambassador or the head of mission.

5 Section 28. **Rescue at the Country of Destination. – (a) Procedure.** When the victim is a  
6 Filipino national and at the time of rescue is residing abroad, the embassy or consulate which has  
7 jurisdiction over the place where the victim is residing shall verify the veracity of the report of incidence  
8 of trafficking and inquire about the status of the victim.

9 Consistent with the country team approach, the Post concerned shall send a team composed  
10 of a consular officer and personnel from the POLO or the Overseas Filipinos Resource Center (OFRC),  
11 as the case may be, to conduct a visit to the jail, establishment, work site or residence of the victim.

12 Rescue operations shall be made in cooperation and close coordination with the police  
13 authorities and other relevant law enforcement agencies in the host country, especially if the victim is  
14 under detention or being kept against his/her will.

15 Thereafter, the victim will be encouraged to execute a sworn statement, recounting among  
16 others, the people/establishment involved in the recruitment/transfer and deployment, the modus  
17 operandi employed to recruit, transport and deploy the victim, and other pertinent information which  
18 could provide a lead in the investigation and eventual prosecution of the perpetrators.

19 **(b) Assistance to Trafficked Persons.** The trafficked person shall be provided with temporary  
20 shelter and other forms of assistance.

21 In countries where there is an Overseas Filipino Workers Resource Center, the services  
22 available to overseas Filipinos as provided for in Republic Act No. 8042 shall also be extended to  
23 trafficked persons regardless of their status in the host country.

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

28 Section 29. **Repatriation of Trafficked Persons.** – The DFA, in coordination with DOLE and  
29 other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked  
30 persons, regardless of whether they are documented or undocumented.

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

34 Section 30. **Procedure for Repatriation.** In accordance with existing rules and regulations on  
35 the use of Assistance-to-Nationals Fund of the DFA for the repatriation of distressed OFWs, the Post  
36 shall immediately request the DFA, through the Office of the Undersecretary for Migrant Workers’ Affairs  
37 (OUMWA), allocation of funds for the repatriation of the victim.

1 In appropriate cases, the passport of the victim may be withdrawn and forwarded to the DFA  
2 and in its place, a Travel Document (FA Form 79(B)) valid for direct travel to the Philippines shall be  
3 issued. Victims who will be repatriated at their own expense shall also be issued a Travel Document in  
4 lieu of the withdrawn passport.

5 The Post concerned shall report to the DFA, through the OUMWA, copy furnished the Office of  
6 Consular Affairs, the actual date of repatriation and other pertinent information and submit a copy of the  
7 sworn statement and other relevant documents.

8 In appropriate cases, including but not limited to, when the victim is suffering from mental  
9 illness, has suffered physical or sexual abuse or has received serious threats to his or her life and  
10 safety, the victim is met upon arrival in the Philippines by DSWD personnel, in coordination with other  
11 government agencies such as OWWA, BI and NBI-NAIA. The victim is encouraged, if he or she has not  
12 done so before, to execute a sworn statement with the view of filing the appropriate charges against the  
13 suspected trafficker in the Philippines.

14 Should the victim request the assistance of DFA, OUMWA shall interview the victim and make  
15 recommendations for investigation with law enforcement agencies such as the PNP and the NBI. In  
16 cases where recruitment agencies are involved, the case shall also be referred to the POEA for  
17 appropriate action. The report shall also be forwarded to the BI for case build up.

18 The victim may be referred to the DSWD/Local Social Welfare And Development Office for  
19 psycho-social interventions, psychological and medical examination and follow-through therapy  
20 sessions. Protective custody and emergency shelter shall also be provided to the victim, in appropriate  
21 cases.

22 Section 31. **Rescue Within the Country.** Rescue operations within the country shall be  
23 primarily undertaken by the law enforcement agencies. Upon receipt of a report of a suspected or  
24 alleged trafficking incident or activity, the law enforcement agency to which the report is made shall  
25 conduct rescue operations of trafficked persons. At the minimum, rescue operations shall be guided by  
26 the following:

- 27 (a) Conduct of rescue operation of trafficked persons shall be properly coordinated with  
28 the concerned agencies particularly DSWD/local social welfare and development  
29 officer;
- 30 (b) The rescue team shall ensure full protection of the rights of the trafficked person as  
31 well as the traffickers while under its custody and control;
- 32 (c) After the operation, the rescue team shall effect the appropriate and immediate turn-  
33 over of the trafficked person to DSWD/local social welfare and development officer  
34 after completion of the necessary documents required for the filing of the case; and
- 35 (d) In the course of investigation of the trafficked person, the investigator handling the  
36 case shall ensure that the victim shall be accorded with proper treatment and  
37 investigated in a child friendly and gender sensitive environment. For this purpose,

1 the investigators shall be properly trained in the handling of cases of trafficked  
2 persons.

3  
4 **ARTICLE IX**  
5 **REHABILITATION AND REINTEGRATION OF VICTIMS**  
6

7 Section 32. **Comprehensive Program.** The DSWD, LGUs and other concerned agencies  
8 shall provide a comprehensive, gender-sensitive and child friendly program for the recovery,  
9 rehabilitation and reintegration of victims/survivors of trafficking, such as but not limited to the following:

- 10 (a) Implementation of residential care, child placement, educational assistance, livelihood  
11 and skills training and other community-based services must be responsive to the  
12 specific needs and problems of the victims/survivors and their families;
- 13 (b) Active involvement and participation of the victims/survivors in the rehabilitation and  
14 reintegration process shall be encouraged including provision of capability to  
15 empower them and prevent re-victimization; and
- 16 (c) Mobilization of NGOs and other members of the civil society including the business  
17 community, tourism-related industries as well as the media shall be undertaken to  
18 support, collaborate and promote the rehabilitation and reintegration of victims.

19 Section 33. **Procedure.** The following procedure shall be undertaken in implementing a  
20 comprehensive program for the recovery, rehabilitation and reintegration of victims/survivors of  
21 trafficking:

- 22 (a) The victim/survivor of trafficking may go to the nearest DSWD/LGU Social Welfare  
23 and Development Office for assistance;
- 24 (b) Upon referral/interview the DSWD/Local Government Social Worker shall conduct an  
25 intake assessment to determine appropriate intervention with the victim/survivor;
- 26 (c) The social worker shall prepare a social case study report/case summary for the  
27 victim/survivor's admission to a residential facility for temporary shelter or community-  
28 based services;
- 29 (d) Provide services/interventions based on the rehabilitation plan in coordination with  
30 appropriate agencies, e.g. counseling, legal, medical and educational assistance;  
31 livelihood and/or skills training; as well as appropriate services to the family of he  
32 trafficked victim/survivor; and
- 33 (e) Monitor implementation and periodically evaluate/update the rehabilitation plan until  
34 the victim/survivor has been reintegrated with his/her family and community.

35 Section 34. **Capability Building of Service Providers.** The frontline agencies and the  
36 service providers must undergo training and other capability building activities to enhance their  
37 knowledge and skills in handling cases of trafficking to prevent exacerbation of traumatic stress and  
38 facilitate more effective crisis interventions, healing and reintegration services.

1 Section 35. **Documentation.** Data banking, research and documentation of best practices in  
2 rehabilitation and reintegration programs shall be conducted to identify efficient and effective measures  
3 and services for the victims of trafficking and their families.

4  
5 **ARTICLE X**  
6 **PROSECUTION, CIVIL FORFEITURE AND RECOVERY OF CIVIL DAMAGES**  
7

8 Section 36. **Who May File a Complaint.** - Complaints for violations of the Act may be filed by  
9 the following:

- 10 (a) Any person who has personal knowledge of the commission of the offense;  
11 (b) The trafficked person or the offended party;  
12 (c) Parents or legal guardians;  
13 (d) Spouse;  
14 (e) Siblings; or  
15 (f) Children.

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

17 Section 37. **Institution of Criminal Action; Effect.** The institution of the criminal action before  
18 the Office of the Prosecutor or the court, as the case may be, for purposes of preliminary investigation  
19 shall interrupt the running of the period for prescription of the offense charged. The prescriptive period  
20 shall commence to run again when such proceedings terminate without the accused being convicted or  
21 acquitted or are unjustifiably stopped for any reason not imputable to the accused.

22 Section 38. **Commencement of Criminal Action, Not a Bar to Filing of a Separate Civil**  
23 **Action.** The commencement of the criminal action under the Act shall not constitute a bar to the filing of  
24 a separate civil action for the recovery of civil damages arising from the offense charged, provided the  
25 same has been expressly reserved or has not been waived. In such a case, the trafficked person shall  
26 be exempt from the payment of filing fees.

27 Section 39. **Venue.** - The offenses punishable under the Act shall be considered as a  
28 continuing offense and may be filed in the place where the offense was committed or where any of its  
29 elements occurred or where the trafficked person actually resides at the time of the commission of  
30 the offense. Provided, that the court where the criminal action is first filed shall acquire jurisdiction to  
31 the exclusion of other courts.

32 Section 40. **Forfeiture of the Proceeds and Instruments Derived from Trafficking in**  
33 **Persons.** -

- 34 (a) After conviction, all proceeds and instruments, including any real or personal property  
35 used in the commission of the offense, shall be ordered confiscated and forfeited in  
36 favor of the State unless the owner thereof can prove the lack of knowledge of the  
37 use of such property in the said illegal activity. Any award for damages arising from  
38 the commission of the offense may be satisfied and charged against the personal

1 and separate properties of the offender and if the same is insufficient to satisfy the  
2 claim, the balance shall be taken from the forfeited properties as may be ordered by  
3 the court.

4 (b) During the pendency of the criminal action, no property or income used or derived  
5 therefrom which are subject to confiscation and forfeiture, shall be disposed,  
6 alienated or transferred and the same shall be in *custodia legis* and no bond shall be  
7 admitted for the release of the same.

8 (c) The trial prosecutor shall avail of the provisional remedies in criminal cases to  
9 ensure the confiscation, preservation and forfeiture of the said properties.

10 (d) If the offender is a public officer or employee, the forfeiture of his/her property found  
11 to be unlawfully acquired shall be governed by Republic Act No. 1379 otherwise  
12 known as "*An Act Declaring Forfeiture in Favor of the State Any Property Found to*  
13 *Have Been Unlawfully Acquired by Any Public Officer or Employee and Providing for*  
14 *the Proceedings Therefor.*"

15  
16 **ARTICLE XI**  
17 **LEGAL PROTECTION**  
18

19 Section 41. **Legal Protection to Trafficked Persons.** - Trafficked persons shall be  
20 recognized as victims of the act or acts of trafficking. As such, they shall not be penalized for crimes  
21 directly related to the acts of trafficking enumerated under the Act or in obedience to the order made by  
22 the trafficker in relation thereto. In this regard, the consent of the trafficked person to the intended  
23 exploitation set forth in the Act shall be irrelevant.

24 Section 42. **Preferential entitlement under the Witness Protection Program of Victims of**  
25 **Trafficking.** - Any trafficked person shall be given preferential entitlement under the Witness  
26 Protection Program provided for under Republic Act No. 6981.

27 Section 43. **Entitlement of other witnesses.** Any person who has personal knowledge in the  
28 commission of any of the offenses penalized under the Act and who voluntarily gives material  
29 information relative thereto and willingly testifies against the offender shall be exempt from  
30 prosecution for the offense with reference to which his information and testimony were given, subject  
31 to the following conditions:

- 32 (a) The information and testimony are necessary for the conviction of the accused;  
33 (b) Such information and testimony are not yet in the possession of the state; and  
34 (c) Such information or witness has not been previously convicted of a crime involving  
35 moral turpitude.

36 Should it turn out that the information given is false and malicious, the immunity granted to the  
37 witness/informant shall not attach and he shall be subject to criminal prosecution.

1 Section 44. **Legal Protection of Trafficked Persons Who are Foreign Nationals.** - Trafficked  
2 persons in the Philippines who are nationals of a foreign country shall be entitled to appropriate  
3 protection, assistance and services available to the trafficked persons and shall be allowed to  
4 continued presence in the Philippines for a period of fifty-nine (59) days to enable them to effect the  
5 prosecution of the offenders. Such period may be renewed upon showing of proof by the trial  
6 prosecutor that their further testimony is essential to the prosecution of the case. The trial prosecutor  
7 shall course his request for extension to the Council which shall accordingly act upon the same. If  
8 such request is granted, the registration and immigration fees of such foreign nationals shall be waived.  
9 The Council, for this purpose, shall develop additional guidelines to implement this provision.

10  
11 **ARTICLE XII**  
12 **TRUST FUND**  
13

14 Section 45. **Trust Fund; Sources.** - All fines imposed under the Act and the proceeds and  
15 properties forfeited and confiscated pursuant to Section 14 of the Act and Article IX, Section 5 of these  
16 rules and regulations shall accrue to a Trust Fund to be administered and managed by the Council.

17 Section 46. **Utilization.** - The Trust Fund shall be used exclusively for programs that will  
18 prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream  
19 of society. Such programs shall include, but not limited to the following:

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

29 Section 47. **Use and Disbursement of Trust Fund.** The use and disbursement of the trust  
30 fund shall be subject to the approval of at least two-thirds (2/3) of the members of the Council and shall  
31 be governed by existing government accounting and auditing rules and regulations.

32  
33 **ARTICLE XIII**  
34 **INTERNATIONAL COOPERATION**  
35

36 Section 48. **International Cooperation.** The Council, in close coordination with the DFA  
37 and other concerned agencies, shall promote cooperation, technical assistance and partnership among  
38 governments and regional and international organizations on the following aspects:

- 1 (a) Prevention, protection, prosecution, repatriation and reintegration aspects of  
2 trafficking in persons, especially women and children;
- 3 (b) Systematic exchange of information and good practices among law enforcement and  
4 immigration authorities;
- 5 (c) Prevention, detection, investigation and prosecution of trafficking in persons, including  
6 the protection of victims through exchanges and joint training at the bilateral, regional  
7 and international levels, between and among relevant officials including police,  
8 judges, prosecutors, immigration officers, other law enforcement agents as well as  
9 consular authorities; and
- 10 (d) Repatriation of victims of trafficking with due regard to their safety and in  
11 consideration of humanitarian and compassionate factors.

12  
13 **ARTICLE XIV**  
14 **CONFIDENTIALITY**  
15

16 Section 49. **Confidentiality.** - At any stage of the investigation, prosecution and trial of an  
17 offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical  
18 practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked  
19 person and the accused. Towards this end, law enforcement officers, prosecutors and judges to  
20 whom the complaint has been referred may, whenever necessary to ensure a fair and impartial  
21 proceeding, and after considering all circumstances for the best interest of the parties, order a closed-  
22 door investigation, prosecution or trial. The name and personal circumstances of the trafficked  
23 person or of the accused, or any other information tending to establish their identities and such  
24 circumstances or information shall not be disclosed to the public.

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

30 **ARTICLE XV**  
31 **OFFENSES AND PENALTIES**  
32

33 Section 50. **Acts of Trafficking in Persons.** - Any person, natural or juridical, who commits  
34 any of the following acts shall suffer the penalty of imprisonment of twenty (20) years and a fine of  
35 not less than One million pesos (P1,000,000.00) but not more than Two million pesos  
36 (P2,000,000.00):

- 37 (a) To recruit, transport, transfer, harbor, provide, or receive a person by any  
38 means, including those done under the pretext of domestic or overseas  
39 employment or training or apprenticeship, for the purpose of prostitution,

1 pornography, sexual exploitation, forced labor, slavery, involuntary servitude or  
2 debt bondage;

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

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

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

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

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

18 (g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of  
19 force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal  
20 or sale of organs of said person; and

21 (h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or  
22 abroad.

23 Section 51. **Acts that Promote Trafficking in Persons.** - Any person, natural or juridical,  
24 who shall commit the following acts which promote or facilitate trafficking in persons, shall be  
25 penalized with the penalty of imprisonment of twenty (20) years and a fine of not less than One  
26 million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00):

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

29 (b) To produce, print and issue or distribute unissued, tampered or fake counseling  
30 certificates, registration stickers and certificates of any government agency  
31 which issues these certificates and stickers as proof of compliance with  
32 government regulatory and pre-departure requirements for the purpose of  
33 promoting trafficking in persons;

34 (c) To advertise, publish, print, broadcast or distribute, or cause the advertisement,  
35 publication, printing, broadcasting or distribution by any means, including the use  
36 of information technology and the internet of any brochure, flyer, or any  
37 propaganda material that promotes trafficking in persons;

- 1 (d) To assist in the conduct of misrepresentation or fraud for purposes of  
2 facilitating the acquisition of clearances and necessary exit documents from  
3 government agencies that are mandated to provide pre-departure registration  
4 and services for departing persons for the purpose of promoting trafficking in  
5 persons;
- 6 (e) To facilitate, assist or help in the exit and entry of persons from/to the country  
7 at international and local airports, territorial boundaries and seaports who are in  
8 possession of unissued, tampered or fraudulent and travel documents for the  
9 purpose of promoting trafficking in persons;
- 10 (f) To confiscate, conceal, or destroy the passport, travel documents, or personal  
11 documents or belongings of trafficked persons in furtherance of trafficking or to  
12 prevent them from leaving the country or seeking redress from the  
13 government or appropriate agencies; and
- 14 (g) To knowingly benefit from, financial or otherwise or make use of, the labor or  
15 services of a person held to a condition of involuntary servitude, forced labor ,  
16 or slavery.

17 Section 52. **Qualified Trafficking in Persons.** - The following are considered as  
18 qualified trafficking and shall be penalized with the penalty of life imprisonment and a fine of not less  
19 than Two million pesos (2,000,000.00) but not more than Five million pesos (5,000,000.00);

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

1 Human Immunodeficiency Virus HIV or the Acquired Immune Deficiency  
2 Syndrome (AIDS).

3 Section 53. **Violation of Confidentiality Provisions.** - Any person who violates Section 7  
4 of the Act and Section 1, Article XIII hereof shall suffer the penalty of imprisonment of six (6)  
5 years and a fine not less than Five hundred thousand pesos (P500,000.00) but not more than One  
6 million pesos (P1,000,000.00).

7 Section 54. **Application of Penalties and Other Sanctions.** – The following shall be applied  
8 in the imposition of penalties:

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

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

20 (c) If the offender is a foreigner, he shall be immediately deported after serving his  
21 sentence and be barred permanently from entering the country ;

22 (d) Any employee or official of government agencies who shall issue or approve  
23 the issuance of travel exit clearances, passports, registration certificates, counseling  
24 certificates, marriage license, and other similar documents to persons, whether  
25 judicial or natural, recruitment agencies, establishments or other individuals or  
26 groups, who fail to observe the prescribed procedures and the requirement as  
27 provided for by laws, rules and regulations, shall be held administratively liable,  
28 without prejudice to criminal liability under the Act. The concerned government  
29 official or employee shall, upon conviction, be dismissed from the service and  
30 be barred permanently to hold public office. His/her retirement and other  
31 benefits shall likewise be forfeited; and

32 (e) Conviction by final judgment of the adopter for any offense under this Act shall  
33 result in the immediate rescission of the decree of adoption.

34 Section 55. **Use of Trafficked Persons.** - Any person who buys or engages the  
35 services of trafficked persons for prostitution shall be penalized as follows:

36 (a) First offense - six (6) months of community service as may be determined by  
37 the court and a fine of Fifty thousand pesos (P50,000.00); and

1 (b) Second and subsequent offenses - imprisonment of one (10 year and a fine  
2 of One hundred thousand pesos (P100,000.00).

3 The Council shall coordinate with the Supreme Court through the Office of the Court  
4 Administrator for the issuance of appropriate guidelines and measures for the judiciary to implement this  
5 provision particularly on the aspect of implementing the penalty of community service.

6  
7 **ARTICLE XVI**  
8 **FUNDING**  
9

10 Section 56. **Inclusion in Agency Appropriations.** - The heads of departments and  
11 agencies concerned shall include in their annual appropriations the funding necessary to implement  
12 their programs and services for the in the implementation of the Act . In the meantime, the funding  
13 necessary to carry out their mandate under the law may be charged against their Gender and  
14 Development (GAD) budget.

15 **ARTICLE XVII**  
16 **FINAL PROVISIONS**  
17

18 Section 57. **Saving Clause.** - The provisions of Republic Act No. 7610, otherwise known as  
19 the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act" shall  
20 remain applicable and shall not in any way be amended or repealed by the provisions of the Act and  
21 these rules and regulations.

22 Section 58. **Separability Clause.** - The declaration of invalidity of any provision of these rules  
23 and regulations or part thereof shall not affect the validity of the remaining provisions.

24 Section 59. **Repealing Clause.** Pertinent provisions of all laws, presidential decrees,  
25 executive orders and rules and regulations, or parts thereof, contrary to or inconsistent with the  
26 provisions of the Act and these rules and regulations are hereby repealed or modified accordingly.

27 Section 60. **Effectivity.** - These rules and regulations shall take effect fifteen (15) days after  
28 its complete publication in at least two (2) newspapers of general circulation.

29