

RA 9208

**ANTI-TRAFFICKING
IN PERSONS
ACT OF 2003**

**IMPLEMENTING RULES
AND REGULATIONS**

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REPUBLIC ACT NO. 9208

*Anti-Trafficking in
Persons Act of 1997*

**IMPLEMENTING RULES
AND REGULATIONS**

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

(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 (1) 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.

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.

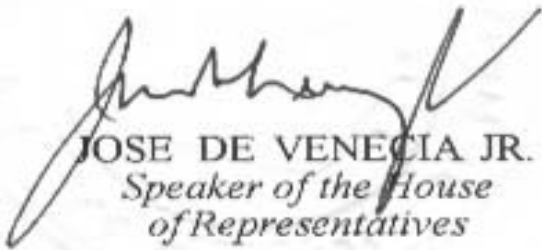
SEC. 29. *Implementing Rules and Regulations.* - The Council shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act.

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.

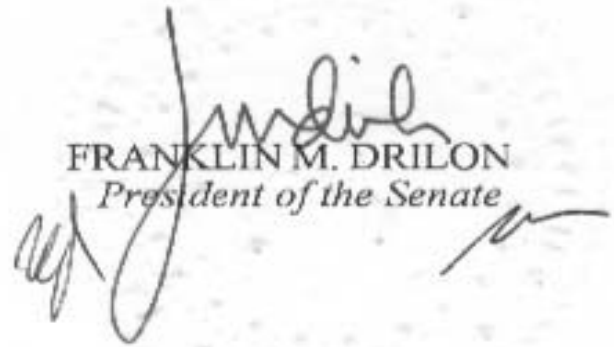
SEC. 31. *Separability Clause.* - If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

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.

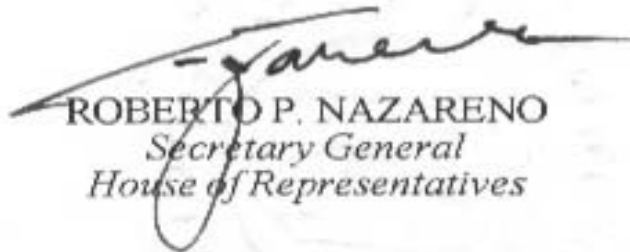


JOSE DE VENECIA JR.
*Speaker of the House
of Representatives*

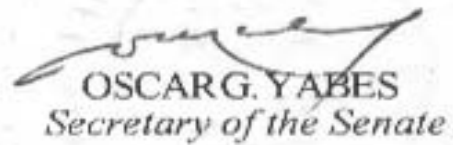


FRANKLIN M. DRILON
President of the Senate

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



PGMA Hologram # **19957**

Republic of the Philippines
INTER-AGENCY COUNCIL AGAINST TRAFFICKING
Manila

COUNCIL RESOLUTION NO.1
Series of 2003

**APPROVING AND ADOPTING THE IMPLEMENTING
RULES AND REGULATIONS OF REPUBLIC ACT
NO. 9208, OTHERWISE KNOWN AS THE “ANT-
ITRAFFICKING IN PERSONS ACT OF 2003”.**

WHEREAS, the President signed into law on May 26, 2003 Republic Act. No.9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003”, which institutes policies to eliminate trafficking in persons especially women and children, establishes the necessary institutional mechanisms for the protection and support or trafficked persons and provides penalties for its violations;

WHEREAS, R.A. No. 9208 established under Section 20 thereof, the Inter-Agency council Against Trafficking (IACAT) composed of the Secretary of the Department of Justice (DOJ) as Chairperson; Secretary of the Department of Social Welfare and Development (DSWD) as Co- Chairperson; and with the following as Members; Secretary, Department of Foreign Affairs (DFA), Secretary, Department of Labor and Employment (DOLE), Administrator, Philippine Overseas Employment Administration (POEA), Commissioner, Bureau of Immigration (BI), Director-General, Philippine National Police (PNP), Chairperson, National Commission on the Role of Filipino Women (NCRFW), and three (3) representatives from non-government organizations (NGOs) who shall be composed of one (1) representative each from among the sectors representing children, women and overseas Filipino workers (OFW);

WHEREAS, Section 29 of the aforementioned law mandates the IACAT to promulgate the necessary implementing rules and regulations (IRR) thereof;

WHEREAS, the Technical Working Group (TWG) created by the IACAT and composed of representatives of the member agencies of the council, prepared the draft of the IRR;

WHEREAS, the said IRR was subjected to series of public consultations held on August 5, 2003 in Cebu City, on August 7, 2003 in Davao City and on August 12, 2003 in Manila, which were participated in by representatives from national government agencies, local government units (LGUs), non-government organizations (NGOs) and other critical stakeholders in the implementation of R.A No. 9208;

WHEREAS, the enhanced draft IRR was presented to the IACAT during its 2nd regular meeting held on Septemebr 17, 2003 at the Department of Justice, Manila;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the members of the Inter-Agency Council Against Trafficking (IACAT), in meeting assembled, to approve and adopt the rules and regulations implementing R.A. No. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003”;

RESOLVED FURTHER that these implementing rules and regulations shall be published in two (2) newspapers of general circulation and copy furnished the UP Law Center as required under the Administrative Code of 1987.

DONE this 17th day of September in the year of the Lord, Two Thousand and Three, in Manila.



HON. SIMÉON A. DATUMANONG
Secretary, Department of Justice
Chairperson


HON. CORAZON JULIANO N. SOLIMAN
Secretary, Department of Social Welfare and Development
Co-Chairperson



HON. BLAS F. OPLE
Secretary, Department of Foreign Affairs


HON. PATRICIA A. STO. TOMAS
Department of Labor and Employment


HON. ROSALINDA D. BALDOZ
Administrator, Philippine Overseas Employment
Administration


HON. ANDREA D. DOMINGO
Commissioner, Bureau of Immigration
Member


HON. HERMOGENES E. ERVANE, JR.
Director General, Philippine National Police
Member


HON. AURORA JAVATE DE DIOS
Chairperson, National Commission on the
Role of Filipino Women
Member

**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**

Sec 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”.

Sec. 2. *Purpose.* - These rules and regulations are hereby promulgated to institute policies, establish the institutional mechanisms 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 there with and achieve the objectives thereof.

Sec. 3. *Declaration of State Policy.* - 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) Universal Declaration of Human Rights;
- (ii) Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others;
- (iii) Convention on the Elimination of All Forms of Discrimination Against Women;
- (iv) Convention on the Rights of the Child and its Optional Protocols;
- (v) 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 Action for the Elimination of the Worst Forms of Child Labor; and
- (viii) All other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a State Party.

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 the 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.

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, otherwise known as the “Anti-Trafficking in Persons Act of 2003”;

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

(c) *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 on 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.

(d) *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;

(e) *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;

(f) *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;

(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 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;

(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 primarily for sexual purposes; and;

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

ARTICLE III

THE INTER-AGENCY COUNCIL AGAINST TRAFFICKING (IACAT)

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

Sec. 7. *Composition.* - The Council shall be composed of the following:

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

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

Sec. 9. 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 Communication (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. 10. Reportorial Function. – Within sixty (60) days after the closing of each calendar year, the Council shall submit to the Office of the President a comprehensive report on the actions and programs taken by the Council relative to and concerning the implementation of the Act.

Sec. 11. Meetings of the Council. - The Council shall meet regularly at least once a month. 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. 12. 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.

Sec. 13. Implementation at Sub-National and Local Levels. - The Council shall, as far as practicable, develop mechanisms to ensure the implementation of the law and these rules and regulations at the sub-national and local levels.

ARTICLE IV SECRETARIAT

Sec. 14. *Organization.* - The Department of Justice 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.

Sec. 15. *Functions.* - The Secretariat shall have the following functions:

- (a) Coordinate and monitor, under the direction of the Council, 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.

ARTICLE V ROLES AND RESPONSIBILITIES

Sec. 16. *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 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;
- (d) Maintain a databank on trafficking in persons to be shared among relevant agencies and complement the central databank to be established by the Council; and
- (e) Document good practices as bases for policy formulation and program development.

Sec. 17. Specific Roles and Responsibilities of National Government Agencies which are Members of the Council. – The following national government agencies, which are member agencies of the Council, shall have, but not limited to, the following roles and responsibilities in the prevention and suppression of trafficking in persons.

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

- (i) Ensure the prosecution of persons for violations of the Act;
- (ii) Designate and train special prosecutors who shall investigate and prosecute cases of trafficking;
- (iii) Establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Commission on Human Rights (CHR), Integrated Bar of the Philippines (IBP), NGOs and volunteer groups;
- (iv) Provide witness protection to trafficked victims and their witnesses;
- (v) Conduct training and continuing education program on investigation and prosecution of trafficking in persons cases and other related offenses for the prosecutors and law enforcement officers;
- (vi) Receive, evaluate, process and investigate claims for compensation by trafficked victims, when applicable, pursuant to Republic Act No. 7309 (Victims Compensation Act);
- (vii) Review and recommend policies and measures to enhance protection against trafficking in persons;
- (viii) Recommend the negotiation of mutual legal assistance and extradition treaties with other countries in coordination with the DFA; and
- (ix) Coordinate with and/or provide assistance to the Anti-Money Laundering Council (AMLC) on cases of trafficking in persons with possible money laundering underpinnings.

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

- (i) Provide psycho-social counseling, temporary shelter and other support services to victims/survivors of trafficking and their families;
- (ii) Make available skills training and livelihood services to victims/survivors of trafficking;
- (iii) Develop program and other support interventions to facilitate the recovery and reintegration of trafficked victims into their families and communities;

- (iv) Provide social welfare services to Filipino victims of trafficking in other countries through the DSWD Social Welfare Attaché and social workers posted in foreign countries, which may include but not limited to stress management, repatriation and other appropriate psychosocial interventions for their protection and welfare;
- (v) Conduct technical assistance and capability building activities for social welfare officers/social workers of LGUs and NGOs;
- (vi) Accredite NGOs that provide programs and services to ensure that they meet the standards set by the Department; and
- (vii) Provide temporary shelter and psycho-social services to foreign nationals who are victims of trafficking in persons as confirmed by the Bureau of Immigration.

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

- (i) Make available its resources and facilities overseas and provide services for trafficked persons regardless of the manner of their entry to the receiving country;
- (ii) 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;
- (iii) Actively participate in bilateral, regional and international initiatives and cooperative arrangements aimed at suppressing trafficking in persons and protecting and assisting victims of trafficking to include monitoring of inter-country adoption cases;
- (iv) Take necessary measures for the efficient implementation of the Machine Readable Passports and Visas to protect the integrity of Philippine passports, visas and other travel documents to reduce the incidence of trafficking in persons through the use of fraudulent identification documents;
- (v) Establish and implement pre-marriage, on-site and pre-departure counseling program on inter-marriages. For this purpose, the DFA shall promulgate the necessary guidelines to implement the said program; and
- (vi) Integrate into the pre-departure orientation seminars for foreign service personnel a training module on trafficking in persons.

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

- (i) Ensure the strict implementation of and compliance with rules and guidelines relative to the employment of persons locally and overseas;

- (ii) Monitor, document and report cases of trafficking in persons involving employers and labor recruiters;
- (iii) Make available existing resources such as employment and livelihood programs as part of the government's measure to suppress trafficking in persons; and
- (iv) Conduct public awareness programs and activities to prevent victimization.

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

- (i) Implement an effective pre-employment orientation seminar and pre-departure counseling program to applicants for overseas employment;
- (ii) Formulate a system providing free legal assistance to trafficked persons which shall include the following:
 - (a) Provision of legal assistance to victims or trafficking in persons by means of, or in the guise of, recruitment for overseas employment, as defined in Section 6 of R.A. No. 8042, such as free legal advice, and assistance in the preparation and filing of administrative and criminal actions for trafficking as defined in the Act, without prejudice to the filing of administrative and/or criminal actions for illegal recruitment, as defined in R.A. No. 8042, when proper; and
 - (b) 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, as defined in Section 6 of R.A. 8042;

In this connection, the POEA shall likewise adopt a policy of confidentiality in all cases referred to it involving possible violations of the Act.

- (iii) Adopt policies and procedures, and develop and implement programs, geared towards the eradication of trafficking in persons as well as acts that promote trafficking in persons such as, but not limited to, the following:
 - (a) Comprehensive and Integrated Education Program on overseas employment which shall be undertaken in partnership with other relevant organizations and government entities. Such education program shall cover all stages of recruitment and employment and shall provide information useful for overseas workers including a module on anti-trafficking programs and measures;

- (b) Nationwide multi-media and sustainable grassroots information campaign to create public awareness on the realities of overseas employment and dangers of becoming victims of illegal trafficking activities;
 - (c) Special operations, complementary to the power of the PNP, on persons and entities engaged in recruitment for overseas employment reported to be violating the provisions of the Act for the purpose of effecting closure of said establishments pursuant to the provisions of R.A. No. 8042; and
 - (d) Database of cases involving, and personalities involved in, trafficking persons, separate and distinct from its illegal recruitment cases for monitoring purposes.
- (iv) In cases of repatriation involving workers recruited and deployed by licensed agencies, notify the agency concerned to provide a plane ticket or Prepaid Travel Advice (PTA) and impose sanctions on said agencies for failure to cooperate in providing welfare assistance to OFWs they have deployed; and
 - (v) Continue to regulate private sector participation in the recruitment and overseas placement of workers through its licensing and registration system pursuant to its rules and regulations on overseas employment. It shall formulate and implement, in coordination with appropriate entities concerned, when necessary, a system of promoting and monitoring the overseas employment of Filipino workers, taking into consideration their welfare and protection from the dangers and risks inherent in overseas employment, including illegal trafficking.

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

- (i) Strictly administer and enforce immigration and alien registration laws;
- (ii) Adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure;
- (iii) Ensure compliance by the Filipino fiances/fiancees and spouses of foreign nationals with the pre-departure and counseling program requirement of the Act;
- (iv) Strictly implement the requirement for a parental travel authority duly processed by the DSWD for minors traveling abroad unaccompanied by one parent, and the travel clearance for minors traveling abroad unaccompanied by both parents;

- (v) Ensure compliance by Overseas Filipino Workers of the departure requirements of the POEA;
- (vi) Conduct periodic training and seminar on fraudulent document detection and passenger assessment to enhance the level of skills and competence of all its immigration officers and agents in document fraud detection;
- (vii) Conduct periodic study of the trends, routes and modus operandi employed by the traffickers including its recruitment base, transit countries and countries of destination;
- (viii) Establish a network with other law enforcement agencies and immigration counterparts of source, transit and destination countries to facilitate exchange and sharing of information on the activities of trafficking syndicates;
- (ix) Establish network with LGUs for the effective apprehension of suspected traffickers and their cohorts;
- (x) Develop a program for the procurement and installation of International Civil Aviation Organization (ICAO) – compliant machine readers and fraud detection equipment at all international airports and seaports in the country; and
- (xi) Develop and distribute materials containing advisory and other pertinent information to enhance awareness against trafficking in persons.

(g) *Philippine National Police (PNP)*;

- (i) Undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking;
- (ii) Coordinate closely with various law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. For this purpose, it shall also:
 - (a) Pursue the detection and investigation of suspected or alleged trafficking activities at airports through its Aviation Security Group, at seaports and/or harbors through its Maritime Group, and at land transportation terminals through its police station and when appropriate, file the appropriate charges against the traffickers;
 - (b) Coordinate with the Philippine Ports Authority (PPA) which may have initially process complaints at their “Balay Silungan sa Daungan” and with NGOs working on trafficking in persons in ports; and

- c) Coordinate with local and barangay officials with respect to the apprehension and/or arrest of traffickers.
- (iii) Establish a system for receiving complaints and calls to assist trafficked persons, and the conduct of rescue operations;
- (iv) Direct and supervise the enforcement of its mandate under the Act and its rules and regulations;
- (v) Supervise the conduct of investigations relating to apprehension occurring at land transportation terminals, domestic seaports and airports and monitor the filing of appropriate cases against the traffickers;
- (vi) Formulate plans and programs for the prevention and/or reduction of trafficking in persons;
- (vii) Integrate in the program of instruction comprehensive, gender sensitive and child-friendly investigation and handling of cases of trafficking in persons in the Philippine National Police Academy (PNPA), Philippine Public Safety College (PPSC) and other training schools operated and managed by the PNP; and
- (viii) Establish anti-trafficking section under the Women and Children Complaint Desks (WCCD) in all city and municipal police stations.

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

- (i) 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;
- (ii) Assist the Council in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies;
- (iii) Assist the Council in the conduct of information dissemination and training to frontline government agencies, NGOs and the general public;
- (iv) Assist in the development of gender responsive documentation system in coordination with other agencies and the National Statistical Coordination Board (NSCB) through its monitoring of the situation of women particularly on violence against women;

- (v) Assist the Council in the formulation of prevention and reintegration programs for victims of trafficking including the demand side; and
- (vi) Conduct studies on the root causes, magnitude and forms of trafficking in women and document best practice in prevention programs.

Sec. 18. 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 in persons and for the protection of trafficked victims.

They shall likewise have the following roles and responsibilities:

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

- (i) Conduct a systematic information dissemination/advocacy and prevention campaign against trafficking in persons;
- (ii) Maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons;
- (iii) Issue directives to the LGUs and barangays to institutionalize recruiter-monitoring mechanisms and increase public awareness regarding trafficking in persons;
- (iv) Promote family and community empowerment to prevent trafficking in persons; and
- (v) Strengthen, activate and mobilize existing committees, councils, similar organizations and special bodies at the local level to prevent and suppress trafficking in persons.

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

- (i) 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; and
- (ii) Provide training to tourist security officers on surveillance, investigation and rescue operation strategies.

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

- (i) Integrate in the appropriate subject areas core messages on migration and trafficking in the elementary and secondary levels by providing lesson with emphasis on their implications and social costs to persons and country;
- (ii) Provide opportunities for trafficked persons in the educational mainstream through the basic education and non-formal education curricula; and
- (iii) 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.

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

- (i) Make available its resources and facilities in providing health care to victims of trafficking which shall, at all times, be held confidential.

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

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

(f) *Commission on Human Rights (CHR)*;

- (i) Conduct advocacy and training programs relating to anti-trafficking;
- (ii) Investigate and recommend for prosecution violations of the Act;
- (iii) Provide free legal aid to victims of trafficking and other assistance under the human rights protections services;
- (iv) Integrate anti-trafficking efforts in the Barangay Human Rights Action Center (BHRAC); and
- (v) Monitor government compliance to international human rights treaty obligations related to the suppression/elimination of trafficking, particularly the Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination

Against Women, the Convention on the Rights of the Child, the Convention on the Protection of Migrant Workers and Members of Their Families, and the UN Convention Against Transnational Organized Crimes including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

(g) *National Bureau of Investigation (NBI)*;

- (i) Conduct surveillance, monitor and investigate recruiters, travel agencies, hotels and other establishments suspected to be engaged in trafficking in persons;
- (ii) Coordinate closely with all the Council member agencies for the effective detection and investigation of suspected traffickers;
- (iii) Formulate plans and programs for the detection and prevention of trafficking, and the arrest and prosecution of suspected traffickers;
- (iv) Share intelligence information on suspected traffickers to all Council member agencies, when necessary; and
- (v) Foster cooperation and coordination with the law enforcement agencies of other countries and the INTERPOL in the investigation and apprehension of suspected traffickers.

(h) *Philippine Center on Transnational Crime (PCTC)*;

- (i) 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; and
- (ii) Serve as the focal point in international law enforcement coordination on trafficking in persons particularly with the INTERPOL.

(i) *Overseas Workers Welfare Administration (OWWA)*;

- (i) Assist in the information and advocacy campaign among OFWs to prevent trafficking in persons;
- (ii) Assist in the documentation of cases of trafficking and ensure the provision of its programs and services to OFWs and their families; and
- (iii) Include a module on trafficking in its pre-departure seminar.

(j) *Council for the Welfare of Children (CWC)*;

- (i) 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;
- (ii) Vigorously advocate against trafficking of children;
- (iii) Improvedataontraffickinginchildrenthroughintegrationofcriticalandrelevant indicators into the monitoring system for children;
- (iv) Adoptpoliciesandmeasures that will protect and promotetherightsandwelfare of children victims of trafficking and coordinate and monitor their implementation; and
- (v) Address issues on trafficking of children through policy and program interventions.

(k) *Philippine Information Agency (PIA)*; and

- (i) 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.

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

- (i) Provide skills and entrepreneurial training to trafficked victims; and
- (ii) Formulateaspecialprogramtoensuretheprovisionofappropriateskills training for trafficked victims.

Sec. 19. Roles and Responsibilities of Local Government Units (LGUs). - The LGUs shall have the following roles and responsibilities:

(a) Monitoranddocumentcasesoftraffickedpersonintheirareasofjurisdiction;

(b) Effect the cancellation of licenses of establishments which violate the provisions of the Act and ensure its effective prosecution;

(c) Undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks

in municipalities, cities and provinces in coordination with the DILG, PIA, Commission on Filipino Overseas (CFO), NGOs and other concerned agencies;

(d) Encourage and support community based initiatives which address trafficking in persons;

(e) Provide basic social services for the prevention, rescue recovery, rehabilitation and reintegration/after care support services to victims of trafficking person;

(f) Enact ordinances or issuances aimed at providing protection and support to trafficked persons and adopt measures to prevent and suppress trafficking in persons; and

(h) 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.

Sec. 20. 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, 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;

(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;
and

(h) Perform such other tasks as may be agreed upon by the Council.

Sec. 21. 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.

ARTICLE VI REPORTING OF SUSPECTED/ALLEGED TRAFFICKING INCIDENT

Sec. 22. Who May and To Whom 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 may be, or has been trafficked shall immediately report the same, either orally, in writing or through other means, to any member of the Council, the barangay authorities, the nearest police or other law enforcement agency, the local social welfare and development office or the local Council for the Protection of Children.

In the case of trafficking cases abroad , the report shall be made to the Philippine Embassy/Consulate which has jurisdiction over the place where the trafficking occurred or where the trafficked person is found.

Sec. 23. Action on the Report. - The agency, entity or person to whom the report is made shall immediately act as soon as the report is received in coordination with other relevant government agency for appropriate intervention.

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

ARTICLE VII INTERCEPTION, ARREST AND INVESTIGATION OF TRAFFICKERS

Sec. 24. Procedure in the Interception, Arrest and Investigation of Traffickers in Persons at International Airport or Seaport. - 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 an immigration officer assigned at the international airport or seaport, he/she shall immediately cause the interception and/or arrest of the persons involved for investigation. The DOJ Task Force Against Trafficking shall cause the filing of appropriate case in court when evidence warrants.

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

Sec. 25. Procedure in the Interception, Arrest and Investigation of Traffickers in Persons at Local Airport, Seaport and Land Transportation Terminals. - In cases where the violation is committed at local seaport, airport or in land transportation terminals, the members of the law enforcement agency shall immediately cause the interception and/or arrest of the suspected traffickers. Thereafter, an investigation shall be conducted by the law enforcement agency on the person/s intercepted/arrested, and refer the case to the Prosecutor's Office of the place where the offense was committed or to the DOJ Task Force Against Trafficking in Persons or Task Force on Passport Irregularities or Municipal Trial Court of the place where the crime was committed in case of municipalities and non-chartered cities for purposes of inquest or preliminary investigation as the case may be.

Sec. 26. Creation of a Joint Task Force Against Trafficking in Persons. - For the purpose of the above provisions, there shall be created a Joint Task Force Against Trafficking in Persons to be assigned at airports composed of Prosecution, BI, PNP, and NBI personnel and another Task Force at land transportation terminals and local seaports and airports to be composed of Prosecution, PNP, BI, PPA, and PCG personnel. The DOJ National Task Force Against Trafficking in Persons shall issue the necessary operational guidelines for the effective coordination, apprehension, investigation and prosecution of violations of the Act. The DOJ Task Force assigned at local seaports, airports and land transportation terminals shall cooperate or coordinate with the local authorities, local social welfare and development officers or active NGOs concerned with trafficking in persons in the locality.

Sec. 27. 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 VIII RESCUE/RECOVERY AND REPATRIATION OF VICTIMS

Sec. 28. The Country Team Approach. – The country team approach under Executive Order No. 74, series of 1993 and further enunciated in Republic Act No. 8042 shall be the operational scheme under which Philippine embassies abroad shall provide protection to trafficked persons regardless of their immigration status. Under the Country Team Approach, all officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies shall, on a per country basis, act as one-country team with mission under the leadership of the Ambassador or the head of mission.

Sec. 29. Rescue at the Country of Destination. -

(a) Procedure. - When the victim is a Filipino national and at the time of rescue is residing abroad, the embassy or consulate which has jurisdiction over the place where the victim is residing shall verify the veracity of the report of incidence of trafficking and inquire about the condition of the victim.

Consistent with the country team approach, the Post concerned shall send a team composed of a consular officer and personnel from the Philippine Overseas Labor Office (POLO) or the Filipino Workers Resource Center (FWRC), the Office of the Social Welfare Attaché as the case may be, to conduct a visit to the jail, establishment, work site or residence of the victim. In the case of Posts without attached services, the team will be composed of a consular officer and personnel from the Assistance-to-Nationals section.

The Post shall make representations with the police authorities or other relevant law enforcement agencies with respect to the conduct of rescue operations.

Rescue operation shall also be made in cooperation and close coordination with some NGOs, local contacts or private individuals when necessary.

In countries and areas where the services of the FWRC is not accessible, a mobile type of services shall be extended by the country team members to trafficked persons regardless of their status in the host country.

Thereafter, the victim will be encouraged to execute a sworn 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.

(b) Assistance to Trafficked Persons. - The trafficked person shall be provided with temporary shelter and other forms of assistance. In countries where there is a Filipino Workers Resource Center, the services available to overseas Filipinos as provided for in Republic Act No. 8042 shall also be extended to trafficked persons regardless of their status in the host country.

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

Sec. 30. 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 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. 31. *Procedure for Repatriation.* - 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 victim.

In appropriate cases and to avoid re-victimization, the Post may withdraw the passport of the victim and forward it to the DFA and in its place issue a Travel Document (FA Form 79B) valid for direct travel to the Philippines.

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

In appropriate cases, especially when the victim is suffering from mental illness, has suffered physical or sexual abuse or has received serious threats to his or her life and safety, the victim 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. In the case of mentally ill patients, minors, and other persons requiring special care, the Post shall designate a duly authorized individual to escort said victims to the Philippines.

The victim will be encouraged, if he or she has not done so before, to execute a sworn statement with the view of filing the appropriate charges against the suspected trafficker in the Philippines.

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

The victim may be referred to the DSWD/Local Social Welfare and Development Office or to the NBI/PNP One-Stop Shop for psycho-social

interventions, psychological and medical examination and follow through therapy sessions. Protective custody and emergency shelter shall also be provided to the victim, in appropriate cases.

Sec. 32. Rescue within the Country. - Rescue operations within the country shall be primarily undertaken by the law enforcement agencies in coordination with LGUs, DOLE, DSWD and DOH. Upon receipt of a report of a suspected or alleged trafficking incident or activity, the law enforcement agency to which the report is made shall conduct rescue operations of trafficked persons. At the minimum, rescue operations shall be guided by the following:

(a) Conduct of rescue operation of trafficked persons shall be properly coordinated with the concerned agencies particularly DSWD/local social welfare and development officer;

(b) The rescue team shall ensure full protection of the rights of the trafficked person as well as the traffickers while under its custody and control;

(c) After the rescue operation, the investigation of the case shall be referred to the Women and Children Complaint Desk (WCCD) desk of the PNP, the Violence Against Women and Children Division (VAWCD) of the NBI or other similar units or desks;

(d) After the completion of the necessary documents for the filing of cases, the rescue team shall effect the appropriate and immediate turn-over of the trafficked person to DSWD/local social welfare and development officer; and

(e) In the course of investigation of the trafficked person, the investigator handling the case shall ensure that the victim shall be accorded with proper treatment and investigated in a child-friendly and gender-sensitive environment. In the conduct of investigative interviews on children, the law enforcers shall likewise be guided by the Rule on the Examination of a Child Witness promulgated by Supreme Court, as may be applicable. For this purpose, the investigators shall be properly trained in the handling of cases of trafficked persons.

ARTICLE IX
REHABILITATION AND REINTEGRATION OF VICTIMS

Sec. 33. *Comprehensive Program.* - The DSWD, LGUs and other concerned agencies shall provide a comprehensive, gender sensitive and child friendly program for the recovery, rehabilitation and reintegration of victims/survivors of trafficking, such as but not limited to the following:

(a) Implementation of residential care, child placement, educational assistance, livelihood and skills training and other community-based services must be responsive to the specific needs and problems of the victims/survivors and their families;

(b) Active involvement and participation of the victims/survivors 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; and

(c) 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 victims/survivors shall be undertaken.

Sec. 34. *Procedure.* - The following procedures shall be undertaken in implementing a comprehensive program for the recovery, rehabilitation and reintegration of victims/survivors of trafficking:

(a) The victim/survivor of trafficking may go to the nearest DSWD/LGU Social Welfare and Development Office for assistance;

(b) Upon referral/interview the DSWD/Local Government Social Worker shall conduct an intake assessment to determine appropriate intervention with the victim/survivor;

(c) The social worker shall prepare a social case study report/case summary for the victim/survivor's admission to a residential facility for temporary shelter or community-based services;

(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 victim/survivor; and

(e) Monitor implementation and periodically evaluate/update the rehabilitation plan until the victim/survivor has been reintegrated with his/her family and community.

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

Sec. 36. Documentation. - Data banking, research and documentation of best practices in rehabilitation and reintegration programs shall be conducted to identify efficient and effective measures and services for the victims of trafficking and their families.

ARTICLE X PROSECUTION, CIVIL FORFEITURE AND RECOVERY OF CIVIL DAMAGES

Sec. 37. Who May File a Complaint. - Complaints for violations of the Act may be filed by the following:

- (a) Any person 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 complaint.

Sec. 38. *Institution of Criminal Action; Effect.* – The institution of the criminal action before the Office of the Prosecutor or the court, as the case may be, 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. 39. *Institution of Criminal and Civil Actions.* – 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. 40. *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. 41. *Venue.* – The offenses punishable under the Act shall be considered as a continuing offense and may be filed 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. Provided, that the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Sec. 42. *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 there from which are subject to confiscation and forfeiture, shall be disposed, alienated or transferred and the same shall be in custodia legis and no bond shall be admitted for the release of the same.

(c) The trial prosecutor shall 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 Republic Act 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.”

ARTICLE XI LEGAL PROTECTION AND OTHER SERVICES

Sec. 43. *Legal Protection.* - Trafficked persons shall be recognized as victims of the act or acts of trafficking. As such, they shall not be penalized for crimes directly related to the acts of trafficking enumerated under the Act or in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of the trafficked person to the intended exploitation set forth in the Act shall be irrelevant.

Sec. 44. *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. 45. *Immunity from Criminal Prosecution.* - Any person who has personal knowledge in the commission of any of the offenses penalized under the Act and who voluntarily gives material information relative thereto and willingly testifies against the offender shall be exempt from prosecution for the offense with reference to which his information and testimony were given, subject to the following conditions:

(a) The information and testimony are necessary for the conviction of the accused; and

(b) Such information and testimony are not yet in the possession of the state.

Sec. 46. *Mandatory Services.* - 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. 47. 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 to 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 his 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.

For this purpose, the Council shall develop additional guidelines to implement this provision.

ARTICLE XII
TRUST FUND

Sec. 48. Trust Fund; Sources. - All fines imposed under the Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 of the Act and Article X, Section 42 of these rules and regulations shall accrue to a Trust Fund to be administered and managed by the Council.

Sec. 49. *Utilization.* - The Trust Fund shall 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 the Act; and Section 46 of these rules and regulations;

(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 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. 50. *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.

ARTICLE XIII INTERNATIONAL COOPERATION

Sec. 51. *International Cooperation.* - The Council, in close coordination with the DFA and other concerned agencies, shall promote cooperation, technical assistance and partnership among governments and regional and international organizations on the following aspects:

(a) Prevention, protection, prosecution, repatriation and reintegration aspects of trafficking in persons, especially women and children;

(b) Systematic exchange of information and good practices among law enforcement and immigration authorities;

(c) Prevention, detection, investigation and prosecution of trafficking in persons, including the protection of victims through exchanges and joint training at the bilateral, regional and international levels, between and among relevant officials including police, judges, prosecutors, immigration officers, other law enforcement agents as well as consular authorities; and

(d) Repatriation of victims of trafficking with due regard to their safety and in consideration of humanitarian and compassionate factors.

ARTICLE XIV CONFIDENTIALITY

Sec. 52. Confidentiality. - At any stage of the investigation, prosecution and trial of an offense under the 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 the prosecution or trial is conducted behind closed-doors, it shall be unlawful for any editor, publisher, 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 or information technology to cause publicity of any case of trafficking in persons.

ARTICLE XV OFFENSES AND PENALTIES

Sec. 53. *Acts of Trafficking in Persons.* - Any person, natural or juridical, who commits 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, 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) To maintain or hire a person to engage in prostitution or pornography;

(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. 54. *Acts that Promote Trafficking in Persons.* – Any person, natural or juridical, who shall commit the following acts which promote or facilitate trafficking in persons, shall be penalized 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):

(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 un-issued, 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 un-issued, tampered or fraudulent and 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. 55. *Qualified Trafficking in Persons.* - The following are considered as qualified trafficking and shall be penalized with the penalty of life imprisonment and a fine of not less than Two million pesos (2,000,000.00) but not more than Five million pesos (5,000,000.00);

(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. 56. *Violation of Confidentiality Provisions.* - Any person who violates Section 7 of the Act and Section 52, Article XIV hereof shall suffer the penalty of imprisonment of six (6) years and a fine not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Sec. 57. *Application of Penalties and Other Sanctions.* – The following shall be applied in the imposition of penalties:

(a) 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;

(b) 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;

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

(d) 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 the 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

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

Sec.58. 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).

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

ARTICLE XVI FUNDING

Sec. 59. Inclusion in Agency Appropriations. - The heads of departments and agencies concerned shall immediately include in their annual appropriations the funding necessary to implement programs and services required by the Act and these regulations.

In the interim, the funding necessary to carry out their mandate under the law may be charged against their Gender and Development (GAD) budget.

ARTICLE XVII FINAL PROVISIONS

Sec. 60. Non-Restriction of Freedom of Speech and of Association, Religion and the Right to Travel. - Nothing in these rules and regulations 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. 61. 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. 62. *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. 63. *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. 64. *Effectivity.* - These rules and regulations shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

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