

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5684



Introduced by Representative Sol Aragon

EXPLANATORY NOTE

Republic Act (R.A.) No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003 was last amended on February 2013. Six years later, with the onset of the internet, the trafficking in persons landscape has drastically changed.

Albeit the technology of the internet has made our lives easier, it also made committing sexual crimes against children easier. It is highly alarming because the platform of online connectivity creates a virtual avenue where traffickers and other sexual predators prey on their victims even without physical contact. Moreover, mobile connectivity and the growing internet coverage has resulted to a high degree of anonymity of viewers and users and could result in furthering the trend in the commercial live-streaming of child sexual abuse. These criminals masked behind layers of insulation provided by the internet comfortably prey on their child victims and could easily commit sexual crimes without the risk of getting caught.

With the increased accessibility of the internet and mobile connectivity, even children can easily access any online platform which exposes them to risks and dangers of online exploitation. Online sexual exploitation of children (OSEC) continues to be a serious threat to our children. In the Philippines, online child abuse is the leading cybercrimes, this ranges from online sexual solicitation, grooming and even online sexual coercion by relatives. This is precisely because children are increasingly exposed with the internet and are at risk of online abuse.

The platform and avenue where these criminal acts are committed is a huge challenge for law enforcers to build up cases or even just to conduct efficient and effective surveillances. Moreover, R.A. No. 4200 or the Anti-Wiretapping Law provides prohibitions that severely cripples and compromises cases against child sexual offenders.

As technology is constantly evolving, so is online child sexual exploitations. Each day that passes, sexual predators find new ways on how to utilize the internet for their criminal acts. This is precisely why there is the need to modernize the law to ensure that our law enforcers are

at par with the advancement of technology. Technological solutions must be applied to able to efficiently and effectively identify and prosecute those who commit such acts.

The bill will be an essential tool in prosecution as it enhances the ability of law enforcement agencies to utilize court-authorized wiretaps in investigating online crimes committed on children. The bill also protects the child victims from trauma as it allows law enforcers to collect strong evidence and may forego the child victims from testifying in court.

The campaign against online sexual exploitation of children must be a shared responsibility of the government and the general public. The bill aims to tap the assistance of private enterprises that could intercept suspected trafficking situations such as (1) internet service providers (ISPs) and telecommunication companies and (2) tourism-oriented establishments, including hotels, resorts, inns, motels, and other related facilities. The intervention from these private enterprises will play a crucial role in the prevention of TIP and the protection of the child victims.

The bill adds new members to the Inter-Agency Council Against Trafficking (IACAT) to further strengthen the campaign against online sexual exploitation of children and to complement the efforts of the existing members. The additional members are (a) Secretary of the Department of Information and Communications Technology (DICT); (b) Secretary, Department of Transportation (DOTr); (c) Administrator, Overseas Workers Welfare Administrator (OWWA); and Director, National Bureau of Investigation (NBI).

Lastly, and more importantly, the bill aims to support child victim-survivors by institutionalizing existing programs focused on recovery and reintegration and providing more resources for these programs to empower and assist child victim-survivors.

Hence, the passage of this bill is earnestly sought.


SOL ARAGONES
3RD District, Laguna

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1 **AN ACT STRENGTHENING REPUBLIC ACT NO. 9208, AS AMENDED BY**
2 **REPUBLIC ACT NO. 10364, ENTITLED "AN ACT TO INSTITUTE POLICIES TO**
3 **ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND**
4 **CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL**
5 **MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED**
6 **PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS AND FOR OTHER**
7 **PURPOSES"**

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

10 **SECTION 1.** SECTION 8 of Republic Act No. 9208, as amended, is hereby amended
11 to read as follows –

12 **"SECTION. 8. INVESTIGATION ~~Initiation~~ and Prosecution of Cases. –**

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

18 **"(B) SURVEILLANCE, INTERCEPTION AND RECORDING OF**
19 **COMMUNICATIONS. –** IN CASES INVOLVING CHILD TRAFFICKING,
20 AND NOTWITHSTANDING THE PROVISIONS OF REPUBLIC ACT NO.
21 4200 (ANTI-WIRE TAPPING LAW), A LAW ENFORCEMENT OFFICER
22 MAY, UPON A WRITTEN ORDER FROM THE COURT, TRACK DOWN,

1 INTERCEPT AND RECORD, WITH THE USE OF ANY MODE, FORM,
2 KIND OR TYPE OF ELECTRONIC OR OTHER SURVEILLANCE
3 EQUIPMENT OR INTERCEPTING AND TRACKING DEVICES, OR WITH
4 THE USE OF ANY OTHER SUITABLE WAYS AND MEANS FOR THAT
5 PURPOSE, ANY COMMUNICATIONS, CONVERSATIONS,
6 DISCUSSIONS, DATA, INFORMATION, OR MESSAGES, SPOKEN OR
7 WRITTEN INVOLVING AT LEAST ONE PERSON CHARGED WITH OR
8 SUSPECTED OF TRAFFICKING IN PERSONS.

9 I. *FORMAL APPLICATION FOR JUDICIAL AUTHORIZATION.* – THE CHIEF
10 OF THE PHILIPPINE NATIONAL POLICE OR THE DIRECTOR OF THE
11 NATIONAL BUREAU OF INVESTIGATION OR ANY OF THEIR DULY
12 AUTHORIZED REPRESENTATIVES, WHO HAS BEEN DULY
13 AUTHORIZED BY THE DEPARTMENT OF JUSTICE IN WRITING, MAY
14 SUBMIT *EX PARTE* APPLICATIONS FOR THE ISSUANCE OF WRITTEN
15 ORDERS FROM THE REGIONAL TRIAL COURT, TO TRACK DOWN,
16 INTERCEPT AND RECORD, ANY COMMUNICATIONS,
17 CONVERSATIONS, DISCUSSIONS, DATA, INFORMATION, OR
18 MESSAGES, SPOKEN OR WRITTEN, UPON EXAMINATION UNDER
19 OATH OF THE APPLICANT AND THE WITNESSES HE MAY PRODUCE
20 TO ESTABLISH THAT THERE IS PROBABLE CAUSE TO BELIEVE
21 BASED ON PERSONAL KNOWLEDGE OF FACTS OR
22 CIRCUMSTANCES THAT: (A) THE CRIME OF TRAFFICKING HAS
23 BEEN COMMITTED, OR IS BEING COMMITTED, OR IS ABOUT TO BE
24 COMMITTED; (B) EVIDENCE, WHICH IS ESSENTIAL TO THE
25 CONVICTION OF ANY CHARGED OR SUSPECTED PERSON FOR, OR
26 TO THE SOLUTION OR PREVENTION OF, ANY SUCH CRIMES, WILL
27 BE OBTAINED; AND, (C) THAT THERE IS NO OTHER EFFECTIVE
28 MEANS READILY AVAILABLE FOR ACQUIRING SUCH EVIDENCE.

29 II. *CLASSIFICATION AND CONTENT OF THE ORDER OF THE COURT.* –
30 THE ORIGINAL APPLICATION FOR AUTHORITY TO TRACK DOWN,
31 INTERCEPT AND RECORD, INCLUDING HIS APPLICATION TO
32 EXTEND OR RENEW, IF ANY, THE WRITTEN ORDER GRANTED BY

1 THE COURT, AND ANY SUCH ORDER TO EXTEND OR RENEW THE
2 SAME SHALL BE DEEMED, AND ARE HEREBY DECLARED, AS
3 CLASSIFIED INFORMATION: PROVIDED, THAT THE PERSON BEING
4 SURVEILLED OR WHOSE COMMUNICATIONS, LETTERS, PAPERS,
5 MESSAGES, CONVERSATIONS, DISCUSSIONS, SPOKEN OR WRITTEN
6 WORDS AND EFFECTS HAVE BEEN MONITORED, LISTENED TO,
7 BUGGED OR RECORDED BY LAW ENFORCEMENT AUTHORITIES
8 HAS THE RIGHT TO BE INFORMED OF THE ACTS DONE BY THE LAW
9 ENFORCEMENT AUTHORITIES IN THE PREMISES OR TO
10 CHALLENGE, IF HE OR SHE INTENDS TO DO SO, THE LEGALITY OF
11 THE INTERFERENCE BEFORE THE COURT WHICH ISSUED THE
12 WRITTEN ORDER.

13 THE WRITTEN ORDER OF THE COURT AUTHORIZING THE TRACK
14 DOWN, INTERCEPTION AND RECORDING, SHALL SPECIFY THE
15 FOLLOWING: (A) THE IDENTITY, SUCH AS NAME AND ADDRESS, IF
16 KNOWN, OF THE CHARGED OR SUSPECTED PERSON WHOSE
17 COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS,
18 OR SPOKEN OR WRITTEN WORDS ARE TO BE TRACKED DOWN,
19 TAPPED, LISTENED TO, INTERCEPTED, AND RECORDED AND, IN
20 THE CASE OF RADIO, ELECTRONIC, OR TELEPHONIC (WHETHER
21 WIRELESS OR OTHERWISE) COMMUNICATIONS, MESSAGES,
22 CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS,
23 THE ELECTRONIC TRANSMISSION SYSTEMS OR THE TELEPHONE
24 NUMBERS TO BE TRACKED DOWN, TAPPED, LISTENED TO,
25 INTERCEPTED, AND RECORDED AND THEIR LOCATIONS, OR IF THE
26 PERSON SUSPECTED OF THE CRIME IS NOT FULLY KNOWN, SUCH
27 PERSON SHALL BE SUBJECT TO CONTINUOUS SURVEILLANCE
28 PROVIDED THERE IS A REASONABLE GROUND TO DO SO; (B) THE
29 IDENTITY (NAME, ADDRESS, AND THE POLICE OR LAW
30 ENFORCEMENT ORGANIZATION) OF THE POLICE OR OF THE LAW
31 ENFORCEMENT OFFICIAL, INCLUDING THE INDIVIDUAL IDENTITY
32 (NAMES, ADDRESSES, AND THE POLICE OR LAW ENFORCEMENT

1 ORGANIZATION) OF THE MEMBERS OF HIS TEAM, JUDICIALLY
2 AUTHORIZED TO TRACK DOWN, TAP, LISTEN TO, INTERCEPT, AND
3 RECORD THE COMMUNICATIONS, MESSAGES, CONVERSATIONS,
4 DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS; (C) THE OFFENSE
5 OR OFFENSES COMMITTED, OR BEING COMMITTED, OR SOUGHT
6 TO BE PREVENTED; AND, (D) THE LENGTH OF TIME WITHIN WHICH
7 THE AUTHORIZATION SHALL BE USED OR CARRIED OUT.

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

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

24 IN CASE OF DEATH OF THE ORIGINAL APPLICANT, OR IN CASE HE
25 IS PHYSICALLY DISABLED TO FILE THE APPLICATION FOR
26 EXTENSION OR RENEWAL, THE ONE NEXT IN RANK TO THE
27 ORIGINAL APPLICANT AMONG THE MEMBERS OF THE TEAM
28 NAMED IN THE ORIGINAL WRITTEN ORDER OF THE COURT SHALL
29 FILE THE APPLICATION FOR EXTENSION OR RENEWAL: PROVIDED,
30 THE APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL SHALL
31 HAVE THIRTY (30) DAYS AFTER THE TERMINATION OF THE PERIOD

1 GRANTED BY THE REGIONAL TRIAL COURT AS PROVIDED IN THE
2 PRECEDING PARAGRAPHS WITHIN WHICH TO FILE THE
3 APPROPRIATE CASE BEFORE THE PUBLIC PROSECUTOR'S OFFICE
4 FOR ANY VIOLATION OF THIS ACT.

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

14 IV. *CUSTODY OF INTERCEPTED AND RECORDED COMMUNICATIONS.* –
15 ALL TAPES, DISCS, AND RECORDINGS MADE PURSUANT TO THIS
16 SECTION, INCLUDING ALL EXCERPTS AND SUMMARIES THEREOF
17 AS WELL AS ALL WRITTEN NOTES OR MEMORANDA MADE IN
18 CONNECTION THEREWITH, SHALL, WITHIN FORTY-EIGHT (48)
19 HOURS AFTER THE EXPIRATION OF THE PERIOD FIXED IN THE
20 WRITTEN ORDER, OR WITHIN FORTY-EIGHT (48) HOURS AFTER THE
21 EXPIRATION OF ANY EXTENSION OR RENEWAL, BE DEPOSITED
22 WITH THE COURT GRANTING THE AUTHORITY IN A SEALED
23 ENVELOPE OR SEALED PACKAGE, AS THE CASE MAY BE, AND
24 SHALL BE ACCOMPANIED BY A JOINT AFFIDAVIT OF THE
25 APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL AND THE
26 MEMBERS OF HIS TEAM. IN CASE OF DEATH OF THE APPLICANT OR
27 IN CASE HE IS PHYSICALLY DISABLED TO EXECUTE THE REQUIRED
28 AFFIDAVIT, THE ONE NEXT IN RANK TO THE APPLICANT AMONG
29 THE MEMBERS OF THE TEAM NAMED IN THE WRITTEN ORDER
30 SHALL EXECUTE WITH THE MEMBERS OF THE TEAM THAT
31 REQUIRED AFFIDAVIT. IT SHALL BE UNLAWFUL FOR ANY PERSON,
32 POLICE OFFICER OR ANY CUSTODIAN OF THE TAPES, DISCS AND

1 RECORDING, AND THEIR EXCERPTS AND SUMMARIES, WRITTEN
2 NOTES OR MEMORANDA TO COPY IN WHATEVER FORM, TO
3 REMOVE, DELETE, EXPUNGE, INCINERATE, SHRED OR DESTROY IN
4 ANY MANNER THE ITEMS ENUMERATED ABOVE IN WHOLE OR IN
5 PART UNDER ANY PRETEXT WHATSOEVER.

6 V. *CONTENTS OF JOINT AFFIDAVIT.* – THE JOINT AFFIDAVIT OF THE
7 POLICE OR OF THE LAW ENFORCEMENT OFFICIAL AND THE
8 INDIVIDUAL MEMBERS OF HIS TEAM SHALL STATE: (A) THE
9 NUMBER OF TAPES, DISCS, AND RECORDINGS THAT HAVE BEEN
10 MADE, AS WELL AS THE NUMBER OF EXCERPTS AND SUMMARIES
11 THEREOF AND THE NUMBER OF WRITTEN NOTES AND
12 MEMORANDA, IF ANY, MADE IN CONNECTION THEREWITH; (B) THE
13 DATES AND TIMES COVERED BY EACH OF SUCH TAPES, DISCS, AND
14 RECORDINGS; (C) THE NUMBER OF TAPES, DISCS, AND
15 RECORDINGS, AS WELL AS THE NUMBER OF EXCERPTS AND
16 SUMMARIES THEREOF AND THE NUMBER OF WRITTEN NOTES AND
17 MEMORANDA MADE IN CONNECTION THEREWITH THAT HAVE
18 BEEN INCLUDED IN THE DEPOSIT; AND (D) THE DATE OF THE
19 ORIGINAL WRITTEN AUTHORIZATION GRANTED BY THE
20 DEPARTMENT OF JUSTICE TO THE APPLICANT TO FILE THE EX
21 PARTE APPLICATION TO CONDUCT THE TRACKING DOWN,
22 TAPPING, INTERCEPTING, AND RECORDING, AS WELL AS THE DATE
23 OF ANY EXTENSION OR RENEWAL OF THE ORIGINAL WRITTEN
24 AUTHORITY GRANTED BY THE COURT.

25 THE JOINT AFFIDAVIT SHALL ALSO CERTIFY UNDER OATH THAT
26 NO DUPLICATES OR COPIES OF THE WHOLE OR ANY PART OF ANY
27 OF SUCH TAPES, DISCS, AND RECORDINGS, AND THAT NO
28 DUPLICATES OR COPIES OF THE WHOLE OR ANY PART OF ANY OF
29 SUCH EXCERPTS, SUMMARIES, WRITTEN NOTES, AND
30 MEMORANDA, HAVE BEEN MADE, OR, IF MADE, THAT ALL SUCH
31 DUPLICATES AND COPIES ARE INCLUDED IN THE SEALED
32 ENVELOPE OR SEALED PACKAGE, AS THE CASE MAY BE,

1 DEPOSITED WITH THE AUTHORIZING DIVISION OF THE COURT OF
2 APPEALS. IT SHALL BE UNLAWFUL FOR ANY PERSON, POLICE OR
3 LAW ENFORCEMENT OFFICIAL TO.

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

24 THE WRITTEN APPLICATION WITH NOTICE TO THE PARTY
25 CONCERNED TO OPEN THE DEPOSITED SEALED ENVELOPE OR
26 SEALED PACKAGE SHALL CLEARLY STATE THE PURPOSE OR
27 REASON: (A) FOR OPENING THE SEALED ENVELOPE OR SEALED
28 PACKAGE; (B) FOR REVEALING OR DISCLOSING ITS CLASSIFIED
29 CONTENTS; (C) FOR REPLAYING, DIVULGING, AND OR READING
30 ANY OF THE LISTENED TO, INTERCEPTED, AND RECORDED
31 COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS,
32 OR SPOKEN OR WRITTEN WORDS (INCLUDING ANY OF THE

1 EXCERPTS AND SUMMARIES THEREOF AND ANY OF THE NOTES OR
2 MEMORANDA MADE IN CONNECTION THEREWITH); AND, (D) FOR
3 USING ANY OF SAID LISTENED TO, INTERCEPTED, AND RECORDED
4 COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS,
5 OR SPOKEN OR WRITTEN WORDS (INCLUDING ANY OF THE
6 EXCERPTS AND SUMMARIES THEREOF AND ANY OF THE NOTES OR
7 MEMORANDA MADE IN CONNECTION THEREWITH) AS EVIDENCE.

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

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

24 "(D) *PLEA BARGAINING.* – THE ACCUSED, WITH THE CONSENT OF
25 THE OFFENDED PARTY AND THE PROSECUTOR, MAY BE ALLOWED
26 BY THE TRIAL COURT TO PLEAD GUILTY TO A LESSER OFFENSE
27 WHICH IS NECESSARILY INCLUDED IN THE OFFENSE CHARGED.

28 "(E) *Affidavit of Desistance.* – Cases involving trafficking in persons should not
29 be dismissed based on the affidavit of desistance executed by the victims or

1 their parents or legal guardians. Public and private prosecutors are directed to
2 oppose and manifest objections to motions for dismissal.

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

6 **SECTION 8-A. DUTIES OF AN INTERNET SERVICE PROVIDER (ISP).** –
7 ALL INTERNET SERVICE PROVIDERS (ISPS) SHALL NOTIFY THE
8 PHILIPPINE NATIONAL POLICE (PNP) OR THE NATIONAL BUREAU
9 OF INVESTIGATION (NBI) WITHIN SEVEN (7) DAYS FROM
10 OBTAINING FACTS AND CIRCUMSTANCES THAT ANY FORM OF
11 CHILD TRAFFICKING, CHILD PORNOGRAPHY, OR ANY FORM
12 SEXUAL EXPLOITATION OF CHILDREN IS BEING COMMITTED
13 USING ITS SERVER OR FACILITY. NOTHING IN THIS SECTION MAY
14 BE CONSTRUED TO REQUIRE AN ISP TO ENGAGE IN THE
15 MONITORING OF ANY USER, SUBSCRIBER OR CUSTOMER, OR THE
16 CONTENT OF ANY COMMUNICATION OF ANY SUCH PERSON:
17 PROVIDED, THAT NO ISP SHALL BE HELD CIVILLY LIABLE FOR
18 DAMAGES ON ACCOUNT OF ANY NOTICE GIVEN IN GOOD FAITH IN
19 COMPLIANCE WITH THIS SECTION.

20 FURTHERMORE, AN ISP SHALL PRESERVE SUCH EVIDENCE FOR
21 PURPOSE OF INVESTIGATION AND PROSECUTION BY RELEVANT
22 AUTHORITIES.

23 AN ISP SHALL, UPON THE REQUEST OF PROPER AUTHORITIES,
24 FURNISH THE PARTICULARS OF USERS WHO GAINED OR
25 ATTEMPTED TO GAIN ACCESS TO AN INTERNET ADDRESS WHICH
26 CONTAINS ANY FORM OF CHILD TRAFFICKING, CHILD
27 PORNOGRAPHY OR ANY FORM OF SEXUAL EXPLOITATION OF
28 CHILDREN.

29 ALL ISPS SHALL INSTALL AVAILABLE TECHNOLOGY, PROGRAM
30 OR SOFTWARE TO ENSURE THAT ACCESS TO OR TRANSMITTAL OF

1 ANY FORM OF CHILD PORNOGRAPHY WILL BE BLOCKED OR
2 FILTERED.

3 AN ISP WHO SHALL KNOWINGLY, WILLFULLY AND
4 INTENTIONALLY VIOLATE THIS PROVISION SHALL BE SUBJECT TO
5 THE PENALTY PROVIDED UNDER SECTION 10(H) OF THIS ACT.

6 THE DEPARTMENT OF JUSTICE (DOJ), WITH THE NATIONAL
7 TELECOMMUNICATIONS COMMISSION (NTC), AND SUCH OTHER
8 RELEVANT GOVERNMENT AGENCIES, SHALL PROMULGATE
9 WITHIN NINETY (90) DAYS FROM THE EFFECTIVITY OF THIS ACT
10 THE NECESSARY RULES AND REGULATIONS FOR THE
11 IMPLEMENTATION OF THIS PROVISION WHICH SHALL INCLUDE,
12 AMONG OTHERS, THE INSTALLATION OF FILTERING SOFTWARE
13 THAT WILL BLOCK ACCESS TO OR TRANSMISSION OF ANY FORM
14 OF CHILD TRAFFICKING, CHILD PORNOGRAPHY, OR SEXUAL
15 EXPLOITATION OF CHILDREN.

16 **SECTION 8-B. RESPONSIBILITY OF TOURISM-ORIENTED**
17 *ESTABLISHMENTS¹ INCLUDING HOTELS, RESORTS, INNS, MOTELS,*
18 *AND OTHER RELATED FACILITIES AND SERVICES. – ALL TOURISM-*
19 *ORIENTED ESTABLISHMENTS INCLUDING HOTELS, RESORTS, INNS,*
20 *MOTELS, AND OTHER RELATED FACILITIES AND SERVICES SHALL*
21 *NOTIFY THE PNP OR THE NBI WITHIN SEVEN (7) DAYS FROM*
22 *OBTAINING FACTS AND CIRCUMSTANCES THAT CHILD*
23 *TRAFFICKING, CHILD PORNOGRAPHY, OR SEXUAL EXPLOITATION*
24 *OF CHILDREN IS BEING COMMITTED IN THEIR PREMISES.*
25 *PROVIDED, THAT PUBLIC DISPLAY OF ANY FORM OF CHILD*

¹ Republic Act No. 9593 The Tourism Act of 2009 defines “Tourism enterprises” as facilities, services and attractions involved in tourism, such as, but not limited to: travel and tour services; tourist transport services, whether for land, sea or air transportation; tour guides; adventure sports; services involving such sports as mountaineering, spelunking, scuba diving, and other sports activities of significant tourism potential; convention organizers; accommodation establishments, including, but not limited to, hotels, resorts, apartelles, tourist inns, motels, pension houses, and home stay operators; tourism estate management services, restaurants, shops and department stores, sports and recreational centers, spas, museums and galleries, theme parks, convention centers and zoos; (SECTION 4[p])

1 PORNOGRAPHY WITHIN THEIR PREMISES IS A CONCLUSIVE
2 PRESUMPTION OF THE KNOWLEDGE OF THE OWNERS/OPERATORS
3 AND OWNERS OR LESSORS OF BUSINESS ESTABLISHMENTS OF THE
4 VIOLATION OF THIS ACT: PROVIDED, FURTHER, THAT A
5 DISPUTABLE PRESUMPTION OF KNOWLEDGE BY
6 OWNERS/OPERATORS AND OWNERS OR LESSORS OF BUSINESS
7 ESTABLISHMENTS SHOULD KNOW OR REASONABLY KNOW THAT
8 A VIOLATION OF THIS ACT IS BEING COMMITTED IN THEIR
9 PREMISES.

10 ALL TOURISM-ORIENTED ESTABLISHMENTS REFERRED TO IN THE
11 PRECEDING PARAGRAPH SHALL POST A NOTICE WITH THE
12 CONTACT DETAILS OF HUMAN TRAFFICKING HOTLINES, BOTH
13 NATIONAL AND LOCAL, IN A CONSPICUOUS PLACE NEAR THE
14 PUBLIC ENTRANCE OF THE ESTABLISHMENT OR IN ANOTHER
15 CONSPICUOUS LOCATION IN CLEAR VIEW OF THE PUBLIC AND
16 EMPLOYEES WHERE SIMILAR NOTICES ARE CUSTOMARILY
17 POSTED.

18 FOR THIS PURPOSE, THE INTER-AGENCY COUNCIL AGAINST
19 TRAFFICKING (IACAT) SHALL DEVELOP A MODEL NOTICE THAT
20 COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AND MAKE
21 THE MODEL NOTICE AVAILABLE FOR DOWNLOAD ON ITS
22 INTERNET WEB SITE.

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

1 THE IACAT, WITH THE DEPARTMENT OF TOURISM AND SUCH
2 OTHER RELEVANT GOVERNMENT AGENCIES, SHALL
3 PROMULGATE WITHIN NINETY (90) DAYS FROM THE EFFECTIVITY
4 OF THIS ACT THE NECESSARY RULES AND REGULATIONS FOR THE
5 IMPLEMENTATION OF THIS PROVISION.

6 ANY WILLFUL AND INTENTIONAL VIOLATION OF THIS PROVISION
7 SHALL BE SUBJECT TO THE PENALTY PROVIDED UNDER SECTION
8 10(i) OF THIS ACT.

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

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

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

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

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

23 "(c) Any person found guilty of SECTION 4-B of this Act shall suffer the
24 penalty of imprisonment of fifteen (15) years and a fine of not less than Five
25 hundred thousand pesos (P500,000.00) but not more than One million pesos
26 (P1,000,000.00);

27 "In every case, conviction shall cause and carry the automatic revocation of the
28 license or registration of the recruitment agency involved in trafficking. The

license of a recruitment agency which trafficked a child shall be automatically revoked.

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

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

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

“(g) ANY APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL AND THE MEMBERS OF HIS TEAM AUTHORIZED TRACK DOWN, INTERCEPT AND RECORD, ANY COMMUNICATIONS, CONVERSATIONS, DISCUSSIONS, DATA, INFORMATION, OR MESSAGES, SPOKEN OR WRITTEN, UNDER SECTION 8 HEREOF SHALL BE PENALIZED FOR THE PROHIBITED ACTS THEREIN:

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

II. THE PENALTY OF NOT LESS THAN SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS OF IMPRISONMENT SHALL BE IMPOSED ANY PERSON WHO COPIES IN WHATEVER FORM, REMOVES, DELETES, EXPUNGES, INCINERATES, SHREDS OR

1 DESTROYS THE TAPES, DISCS AND RECORDING, AND THEIR
2 EXCERPTS AND SUMMARIES, WRITTEN NOTES OR
3 MEMORANDA MADE IN CONNECTION WITH THE AUTHORIZED
4 INTERCEPTION AND RECORDING UNDER SUB-SECTION IV
5 THEREOF;

6 III. THE PENALTY OF NOT LESS THAN TEN (10) YEARS AND ONE (1)
7 DAY TO TWELVE (12) YEARS OF IMPRISONMENT SHALL BE
8 IMPOSED ON ANY PERSON, POLICE OR LAW ENFORCEMENT
9 OFFICER WHO OMIT OR EXCLUDE FROM THE JOINT AFFIDAVIT
10 ANY ITEM OR PORTION THEREOF MENTIONED IN SUB-SECTION
11 V THEREOF;

12 IV. THE PENALTY OF SIX (6) YEARS AND ONE (1) DAY TO EIGHT (8)
13 YEARS OF IMPRISONMENT SHALL BE IMPOSED ON ANY PERSON
14 WHO VIOLATES HIS OR HER DUTY TO NOTIFY IN WRITING THE
15 PERSONS SUBJECT OF THE SURVEILLANCE UNDER SUB-
16 SECTION VI THEREOF;

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

26 VI. IN ADDITION TO THE LIABILITY OF THE OFFENDER FOR THE
27 COMMISSION OF ANY OTHER OFFENSE, THE PENALTY OF TEN
28 (10) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS OF
29 IMPRISONMENT AND THE ACCESSORY PENALTY OF
30 PERPETUAL ABSOLUTE DISQUALIFICATION FROM PUBLIC
31 OFFICE SHALL BE IMPOSED UPON ANY POLICE OR LAW

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

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

23 “(i)) ANY TOURISM-ORIENTED ESTABLISHMENTS INCLUDING
24 HOTELS, RESORTS, INNS, MOTELS, AND OTHER RELATED
25 FACILITIES AND SERVICES WHO WILLFULLY AND KNOWINGLY
26 FAIL TO COMPLY WITH THE NOTICE AND TRAINING
27 REQUIREMENTS UNDER SECTION 8-B OF THIS ACT SHALL SUFFER
28 THE PENALTY OF A FINE OF NOT LESS THAN FIVE HUNDRED
29 THOUSAND PESOS (PHP500,000.00) BUT NOT MORE THAN ONE
30 MILLION PESOS (PHP1,000,000.00) FOR THE FIRST OFFENSE. IN
31 CASE OF SUBSEQUENT OFFENSE, THE PENALTY SHALL BE A FINE
32 OF NOT LESS THAN ONE MILLION PESOS (PHP1,000,000.00) BUT

1 NOT MORE THAN TWO MILLION PESOS (PHP2,000,000.00) AND
2 REVOCATION OF ITS LICENSE TO OPERATE AND IMMEDIATE
3 CLOSURE OF THE ESTABLISHMENT; AND

4 “(j) If the offender is a corporation, partnership, association, club, establishment
5 or any juridical person, the penalty shall be imposed upon the owner, president,
6 partner, manager, and/or any responsible officer who participated in the
7 commission of the crime or who shall have knowingly permitted or failed to
8 prevent its commission;

9 “(k) The registration with the Securities and Exchange Commission (SEC) and
10 license to operate of the erring agency, corporation, association, religious group,
11 tour or travel agent, club or establishment, or any place of entertainment shall be
12 cancelled and revoked permanently. the owner, president, partner or manager
13 thereof shall not be allowed to operate similar establishments in a different name;

14 “(L) If the offender is a foreigner, he or she shall be immediately deported after
15 serving his or her sentence and be barred permanently from entering the country;

16 “(M) Any employee or official of government agencies who shall issue or approve
17 the issuance of travel exit clearances, passports, registration certificates,
18 counseling certificates, marriage license, and other similar documents to persons,
19 whether juridical or natural, recruitment agencies, establishments or other
20 individuals or groups, who fail to observe the prescribed procedures and the
21 requirement as provided for by laws, rules and regulations, shall be held
22 administratively liable, without prejudice to criminal liability under this Act. the
23 concerned government official or employee shall, upon conviction, be dismissed
24 from the service and be barred permanently to hold public office. his or her
25 retirement and other benefits shall likewise be forfeited; and

26 “(N) Conviction, by final judgment of the adopter for any offense under this Act
27 shall result in the immediate rescission of the decree of adoption.”

28 **SECTION 3.** SECTION 16 of Republic Act No. 9208 is hereby amended to read as
29 follows:

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

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

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

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

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

1 trafficked persons to provide the following basic services to trafficked
2 persons: (a)

3 (1) Temporary housing and food facilities; (n)

4 (2) Psychological support and counseling; (n)

5 (3) 24-hour call center for crisis calls and technology-based counseling
6 and referral system; (n)

7 (4) Coordination with local law enforcement entities; and (n)

8 (5) Coordination with the Department of Justice, among others. (n)

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

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

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

26 “(e) Philippine Commission on Women (PCW) – shall actively participate and
27 coordinate in the formulation and monitoring of policies addressing the issue
28 of trafficking in persons in coordination with relevant government agencies. It

1 shall likewise advocate for the inclusion of the issue of trafficking in persons
2 in both its local and international advocacy for women's issues. (a)

3 “(f) Bureau of Immigration (BI) – shall strictly administer and enforce
4 immigration and alien administration laws. It shall adopt measures for the
5 apprehension of suspected traffickers both at the place of arrival and departure
6 and shall ensure compliance by the Filipino fiancés/fiancées and spouses of
7 foreign nationals with the guidance and counseling requirement as provided
8 for in this Act.

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

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

23 “The POEA shall create a blacklist of recruitment agencies, illegal recruiters
24 and persons facing administrative, civil and criminal complaints for trafficking
25 filed in the receiving country and/or in the Philippines and those agencies,
26 illegal recruiters and persons involved in cases of trafficking who have been
27 rescued by the DFA and DOLE in the receiving country or in the Philippines
28 even if no formal administrative, civil or criminal complaints have been filed:
29 Provided, That the rescued victims shall execute an affidavit attesting to the
30 acts violative of the anti-trafficking law. This blacklist shall be posted in

1 conspicuous places in concerned government agencies and shall be updated bi-
2 monthly. (n)

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

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

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

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

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

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

28 “(K) DEPARTMENT OF HEALTH (DOH) – SHALL DEVELOP A
29 COMPREHENSIVE PROGRAM TO PREVENT THE TRAFFICKING OF

1 HUMAN ORGANS. IT SHALL ALSO UNDERTAKE ACTIVITIES TO
2 INCREASE PUBLIC AWARENESS ON ORGAN TRAFFICKING, WHICH
3 MAY INCLUDE, BUT NOT LIMITED TO, MEDICAL PRACTITIONER,
4 FAMILY AND PATIENT INFORMATION AND EDUCATION, PUBLIC
5 EDUCATION AND ADVOCACY CAMPAIGN; AND SHALL RENDER
6 ASSISTANCE IN THE INVESTIGATION AND PROSECUTION OF
7 ORGAN TRAFFICKING.

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

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

27 “(N) OVERSEAS WORKERS WELFARE ADMINISTRATION (OWWA) –
28 SHALL PROVIDE WELFARE PROGRAMS AND SERVICES THAT
29 RESPOND TO THE NEEDS OF ITS MEMBER-OFWS, INCLUDING
30 THEIR FAMILIES, WHO HAVE BECOME VICTIMS OF TRAFFICKING
31 IN PERSONS. THE SERVICES TO THE OFWS SHALL INCLUDE

1 SOCIAL ASSISTANCE, EDUCATION AND TRAINING, CULTURAL
2 SERVICES, FINANCIAL MANAGEMENT, REINTEGRATION, AND
3 ENTREPRENEURIAL DEVELOPMENT SERVICES. IT SHALL
4 LIKEWISE PROVIDE PROMPT AND APPROPRIATE RESPONSE IN
5 REPATRIATION OF OFWS WHO ARE VICTIMS OF TRAFFICKING IN
6 PERSONS.

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

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

20 **SECTION 4.** SECTION 20 of Republic Act No. 9208 is hereby amended to read as
21 follows:

22 **"SECTION 20. INTER-AGENCY COUNCIL AGAINST TRAFFICKING. –**
23 **THERE IS HEREBY ESTABLISHED AN INTER-AGENCY COUNCIL**
24 **AGAINST TRAFFICKING, TO BE COMPOSED OF THE SECRETARY**
25 **OF THE DEPARTMENT OF JUSTICE AS CHAIRPERSON AND THE**
26 **SECRETARY OF THE DEPARTMENT OF SOCIAL WELFARE AND**
27 **DEVELOPMENT AS CO-CHAIRPERSON AND SHALL HAVE THE**
28 **FOLLOWING AS MEMBERS:**

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

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

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

2 "(D) SECRETARY, DEPARTMENT OF HEALTH

3 "(E) SECRETARY, DEPARTMENT OF INFORMATION AND
4 COMMUNICATIONS TECHNOLOGY;

5 "(F) SECRETARY, DEPARTMENT OF TRANSPORTATION;

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

7 "(H) ADMINISTRATOR, OVERSEAS WORKERS WELFARE
8 ADMINISTRATOR;

9 "(i) Commissioner, Bureau of Immigration;

10 "(j) Chief, Philippine National Police;

11 "(k) Chairperson, Philippine Commission on Women;

12 "(l) Chairperson, Commission on Filipinos Overseas;

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

14 “(N) DIRECTOR, NATIONAL BUREAU OF INVESTIGATION; AND

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

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

1 **SECTION 5.** SECTION 21 of Republic Act No. 9208 is hereby amended to read as
2 follows:

3 **“SECTION 21. *Functions of the Council.*** - The Council shall have the
4 following powers and functions:

5 “(a) Formulate a comprehensive and integrated program to prevent and
6 suppress the trafficking in persons;

7 “(b) Promulgate rules and regulations as may be necessary for the effective
8 implementation of this Act;

9 “(c) Monitor and oversee the strict implementation of this Act;

10 “(d) Coordinate the programs and projects of the various member agencies to
11 effectively address the issues and problems attendant to trafficking in persons;

12 “(e) Coordinate the conduct of massive information dissemination and
13 campaign on the existence of the law and the various issues and problems
14 attendant to trafficking through the LGUs, concerned agencies, and NGOs;

15 “(f) Direct other agencies to immediately respond to the problems brought to
16 their attention and report to the Council on action taken;

17 “(g) Assist in filing of cases against individuals, agencies, institutions or
18 establishments that violate the provisions of this Act;

19 “(h) Formulate a program for the reintegration of trafficked persons in
20 cooperation with DOLE, DSWD, Technical Education and Skills
21 Development Authority (TESDA), Commission on Higher Education
22 (CHED), LGUs and NGOs;

23 “(i) Secure from any department, bureau, office, agency, or instrumentality of
24 the government or from NGOs and other civic organizations such assistance as
25 may be needed to effectively implement this Act;

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

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

9 (l) Recommend measures to enhance cooperative efforts and mutual assistance
10 among foreign countries through bilateral and/or multilateral arrangements to
11 prevent and suppress international trafficking in persons;

12 **(m) Coordinate with the Department of INFORMATION AND**
13 **~~Transportation and Communications~~ TECHNOLOGY (DOTC DICT),**
14 **Department of Trade and Industry (DTI), and other NGOs in monitoring**
15 **the promotion of advertisement of trafficking in the internet;**

16 (n) Adopt measures and policies to protect the rights and needs of trafficked
17 persons who are foreign nationals in the Philippines;

18 (o) Initiate training programs in identifying and providing the necessary
19 intervention or assistance to trafficked persons; and

20 (p) Exercise all the powers and perform such other functions necessary to
21 attain the purposes and objectives of this Act.

22 **SECTION 6.** SECTION 24 of Republic Act No. 9208 is hereby amended to read as
23 follows:

24 ***“SECTION 24. Other Services for Trafficked Persons. -***

25 (a) Legal Assistance. - Trafficked persons shall be considered under the
26 category "Overseas Filipino in Distress" and may avail of the legal assistance

1 created by Republic Act No. 8042, subject to the guidelines as provided by
2 law.

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

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

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

18 (1) CAPABILITY ENHANCEMENT FOR SERVICE PROVIDERS;

19 (2) DIRECT SERVICES TO TRAFFICKED PERSONS, WHICH SHALL
20 COVER COSTS FOR AUXILIARY SERVICES TO
21 VICTIMS/WITNESSES, WHICH INCLUDES TRANSPORTATION,
22 BOARD AND LODGING, DOCUMENTATION AND OTHER
23 INCIDENTAL EXPENSES;

24 (3) UPGRADE OF TEMPORARY SHELTERS;

25 (4) IMPLEMENTATION OF THE NATIONAL REFERRAL SYSTEM
26 AND UPDATING AND MAINTENANCE OF THE NATIONAL
27 RECOVERY AND REINTEGRATION DATABASE; AND

28 (5) ADVOCACY.

1 **SECTION 7. EFFECTIVITY.** – THIS ACT SHALL TAKE EFFECT FIFTEEN (15)
2 DAYS FOLLOWING ITS COMPLETE PUBLICATION IN AT LEAST TWO (2)
3 NEWSPAPERS OF GENERAL CIRCULATION.”

4 *Approved.*