

S. No. 2449

H. No. 10658

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Congress of the Philippines
Metro Manila

Eighteenth Congress

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[REPUBLIC ACT NO. 11862]

AN ACT STRENGTHENING THE POLICIES ON ANTI-TRAFFICKING IN PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9208, AS AMENDED, OTHERWISE KNOWN AS THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003", AND OTHER SPECIAL LAWS

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

SECTION 1. Section 1 of Republic Act No. 9208, as amended, is hereby amended to read as follows:

"SECTION 1. *Short Title.* – This Act shall be known as the 'Expanded Anti-Trafficking in Persons Act of 2022'."

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

"SEC. 2. *Declaration of Policy.* – It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation, and reintegration into the mainstream of society in a manner that is culturally-responsive, gender- and age-appropriate, and disability-inclusive.

It shall be a State policy to recognize the equal and inalienable rights and inherent human dignity of all members of the human family, as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Elimination of All Forms of Discrimination Against Women, United Nations Convention on the Rights of the Child and its optional protocols to which the Philippines is a party, 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, International Labor Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, the UN Global Compact for Safe, Orderly and Regular Migration, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a party. In all actions concerning children, their best interests shall be the paramount consideration."

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

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

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

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

x x x

(h) *Sexual Exploitation* – refers to any means of actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes or lewd designs, including profiting monetarily, socially, or politically from the sexual exploitation of another, regardless of whether or not consent was given.

x x x

(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: *Provided*, That when a child is involved, the material shall be considered child sexual abuse and exploitation material as defined under paragraph (m) of this section.

x x x

(l) *Child Laundering* – refers to an act of stealing and selling a child to adopting parents under false pretenses and using schemes such as falsifying the child's details or manipulating the child's origins to make the child appear an orphan or foundling.

(m) *Child Sexual Abuse and Exploitation Material or Child Sexual Abuse Material (CSAEM or CSAM)* – refers to photos, images, videos, recordings, streams, or any other representation or form of media, depicting acts of sexual abuse and exploitation of a child or representation of a child as a sexual object, whether or not generated digitally or by, through, and with the use of information and communications technology. It shall also include materials that focus on real or simulated genitalia or other private body parts of a child.

(n) *Communications* – refer to any spoken or written conversations, exchanges, discussions, data, information, or messages for interception.

(o) *Computer System* – refers to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated processing of data. It covers any type of device with data processing capabilities including computers and mobile phones. The device consisting of hardware and software may include input, output process, and storage components which may stand alone or be connected in a network or other similar devices. It also includes computer data storage devices or media.

(p) *Computer and Other Computer-Related Devices* – refer to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated processing of data. It covers any type of device with

data processing capabilities, including computers and mobile phones.

(q) *Data* – refers to both:

(1) *Content Data* – the substance, meaning or purport of the communication, or the message or information being conveyed by the communication, other than traffic data; and

(2) *Traffic Data or Non-Content Data* – any computer data other than the content of the communication, including the communication's origin, destination, route, time, date, size, duration, or type of underlying service.

(r) *Information and Communications Technology (ICT)* – refers to the totality of electronic means to access, create, collect, store, process, receive, transmit, present, and disseminate information.

(s) *Interception* – refers to the act of listening to, recording, monitoring, or surveillance of the content of communications, including procuring of the content data, either directly, through access and use of a computer system, or through the use of electronic eavesdropping or tapping devices, at the same time that the communication is occurring.

(t) *Internet Intermediaries* – refer to a natural or juridical person, or entity that provides infrastructure, platforms, access to host, transmit and index content, products and services originated by third parties on the internet. It includes among others:

(1) Internet Service Providers (ISPs);

(2) Data processing and web hosting providers including domain name registrars;

(3) Internet search engines and portals;

(4) E-commerce intermediaries;

(5) Internet payment system providers, whether supervised by the Bangko Sentral ng Pilipinas (BSP) or not; and

(6) Participative network platform providers or social media intermediaries.

(u) *Subscriber's or Registrant's Information* – refers to any information contained in the form of computer data or any other form that is held by internet intermediaries, relating to the subscribers or registrants who avail of services, other than traffic or content data, and by which any of the following can be established:

(1) The type of communication service used, the technical provisions taken thereto, and the period of service;

(2) The subscriber's or registrant's identity, postal or geographic address, telephone and other access number, any assigned network address, billing, and payment information that are available on the basis of the service agreement or arrangement; or

(3) Any other available information on the site of the installation of communication equipment that is available on the basis of the service agreement or arrangement.

(v) *Tourism Enterprises* – refer to facilities, services, and attractions involved in tourism, such as travel and tour services; health, wellness, and medical tourism services; tourist transport services, whether for land, sea or air transportation; tour guides; adventure sports services involving sports, such as mountaineering, spelunking, scuba diving, and other sports activities of significant tourism potential; convention organizers; accommodation establishments, including hotels, resorts, apartelles, tourist inns, motels, pension houses, and home stay operators; and tourism estate management services, restaurants, shops and department stores, sports and recreational centers, spas, museums and galleries, theme parks, convention centers, and zoos.

(w) *Online Sexual Abuse and Exploitation of Children (OSAEC)* – refers to the use of digital or analog communication and ICT as means to abuse and exploit children sexually, which includes cases in which contact child abuse or exploitation offline

is combined with an online component. This can also include the production, dissemination, and possession of CSAEM or CSAM; online grooming of children for sexual purposes; sexual extortion of children; sharing image-based sexual abuse; commercial sexual exploitation of children; exploitation of children through online prostitution; and live-streaming of sexual abuse, with or without the consent of the victim."

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

"SEC. 4. *Acts of Trafficking in Persons.* – It shall be unlawful for any person, natural or juridical, to commit by means of a threat, or use of force, or other forms of coercion, or through abduction, fraud, deception, abuse of power or of position, or through taking advantage of the vulnerability of the person, or by giving or receiving of payment or benefit to obtain the consent of a person having control over another person, any of the following acts:

(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual abuse or exploitation, production, creation, or distribution of CSAEM or CSAM, 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. 10906 or the Anti-Mail Order Spouse Act, any Filipino 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;

X X X

(g) To adopt or facilitate the adoption of persons with or without consideration for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage,

or to facilitate illegal child adoptions or child-laundering, or for other exploitative purposes;

(h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive, or abduct a person, for the purpose of removal or sale of organs of said person;

(i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive, or adopt a child to engage in armed activities or participate in activities in the context of an armed conflict in the Philippines or abroad;

(j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide, or receive a person by means defined in Section 3 of this Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either:

(1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or

(2) To abuse or threaten the use of law or the legal processes;

(k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt, or receive a child for purposes of exploitation or trading them, including the act of buying or selling a child, or both for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:

(1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage, and forced labor, including recruitment of children for use in armed conflict;

(2) The use, procuring or offering of a child for prostitution, for the production of CSAEM or CSAM, or for pornographic performances;

(3) The use, procuring or offering of a child for the production and trafficking of drugs; and

(4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals;

(l) To organize, provide financial support, or direct other persons to commit the offenses defined as acts of trafficking under this Act; and

(m) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive, or adopt a child for deployment abroad as migrant worker.

Provided, That when the victim is a child, the means to commit these unlawful acts as enumerated in the first paragraph of this section shall not be necessary: *Provided, further*, That in the case of overseas domestic work, a 'child' means a person below twenty-four (24) years old."

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

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

(a) To knowingly lease or sublease, use, or allow to be used any house, building, tourism enterprise, or any similar establishment; or any vehicle or carrier by land, sea, and air; or any of their computer system or computer hardware, other computer-related devices, or any of their digital platform and application, for the purpose of promoting trafficking in persons;

(b) To produce, print and issue, or distribute unissued, tampered, or fake passports, birth certificates, affidavits of delayed registration of births, foundling certificates, travel clearances, counseling certificates, registration stickers, overseas employment certificates or other certificates of any government agency which issues these certificates, decals, and such other markers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

(c) x x x;

(d) x x x;

(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, knowing they are not in possession of required travel documents, or are in possession of tampered, fake, or fraudulently acquired travel documents, for the purpose of promoting trafficking in persons;

(f) x x x;

(g) x x x;

(h) x x x;

(i) x x x;

(j) x x x;

(k) For internet intermediaries to knowingly or by gross negligence allow their internet infrastructure to be used for the purpose of promoting trafficking in persons;

(l) For internet cafes, kiosks, and hotspots, including establishments offering Wi-Fi access services to the public, to knowingly or by gross negligence allow their facilities to be used for the purpose of promoting trafficking in persons;

(m) For financial intermediaries, including banks and credit card companies and money transfer or remittance centers, to knowingly or by gross negligence allow their services, online platform and applications, among others, to be used for the purpose of promoting trafficking in persons;

(n) To knowingly or by gross negligence facilitate, assist, or help in the entry into the country of persons who are convicted sex offenders whether at international and local airports, territorial boundaries, and seaports for the purpose of promoting trafficking in persons; or

(o) To arrange, facilitate, expedite, or cause the introduction or encounter of persons who are

suspected or convicted sex offenders in any jurisdiction, to a child. The actual introduction or encounter need not occur to be liable under this provision. It is enough that there is a deliberate attempt to cause the introduction or encounter."

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

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

(a) When the trafficked person is a child: *Provided*, That acts of online sexual abuse and exploitation of children shall be without prejudice to appropriate investigation and prosecution under other related laws;

x x x

(h) When the offender, commits one or more acts of trafficking under Section 4 over a period of at least sixty (60) days, whether those days are continuous or not;

(i) When the offender, or through another, directs or manages the actions of a victim in carrying out the exploitative purpose of trafficking;

(j) When the crime is committed during a crisis, disaster, public health concern, pandemic, a humanitarian conflict, or emergency situation, or when the trafficked person is a survivor of a disaster or a human-induced conflict;

(k) When the trafficked person belongs to an indigenous community or religious minority and is considered a member of the same;

(l) When the trafficked person is a person with disability (PWD);

(m) When the crime has resulted in pregnancy;

(n) When the trafficked person suffered mental or emotional disorder as a result of being victim of trafficking; or

(o) When the act is committed by or through the use of ICT or any computer system.”

SEC. 7. Section 8 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

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

(a) *Initiation of Investigation.* – Law enforcement agencies (LEAs) are mandated to immediately initiate investigation and counter-trafficking-intelligence gathering *motu proprio* or within ten (10) days upon receipt of statements, reports, or affidavit from victims of trafficking, migrant workers, or their families, internet intermediaries, and other persons who have personal knowledge or information about possible violations of this Act including the private sector, and for this purpose shall closely coordinate with one another. They shall initiate bilateral or multi-lateral agreements with other States to allow foreign internet intermediaries to share with local authorities possible investigation data necessary for the prosecution of cases: *Provided*, That in all instances the right to privacy of the victims and their families must be respected and protected;

(b) *Interception of Communications.* – A law enforcement officer (LEO) may, upon a written order from the Regional Trial Court, track, intercept, view, monitor, surveil, listen to, and record involving at least one person charged with, or suspected, or reasonably believed to have committed violations under this Act, with the use of any mode, form, kind, or type of electronic or intercepting devices, any communications, information or messages, including procurement of content data transmitted by means of a computer system, or with the use of any other suitable ways and means for that purpose: *Provided*, That when the victim is a child and the offense involves the use of computer systems and digital platforms, a court order shall not be required in order for a LEO acting in an undercover capacity to intercept communication with a person reasonably believed to have committed, is committing, or about to commit any of the violations described under this Act: *Provided, further*, That notwithstanding the

procedure in this provision, a LEO shall not be precluded from obtaining a warrant to intercept computer data under the rule on cybercrime warrants.

The order shall only be issued or granted upon *ex parte* written application of a LEO, who shall be examined under oath or affirmation to establish the following facts or circumstances:

(1) That there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed, or is being committed, or is about to be committed;

(2) That there are reasonable grounds to believe that evidence that will be obtained is essential to the conviction of any person for, or to the solution of, or to the prevention of, any such crimes; and

(3) That there are no other means readily available for obtaining such evidence.

The order shall only be effective for the length of time as determined by the court, which shall not exceed a period of thirty (30) days from its issuance. The court issuing the order may, upon motion, extend its effectivity based only on justifiable reasons or that it is necessary in furtherance of the investigation or to serve the public interest, for a period not exceeding thirty (30) days after the expiration of the original period.

In case the original applicant is not available to file the application for extension or renewal, any other member of the team duly authorized by their superior officer may instead file the application for extension or renewal: *Provided*, That the LEO shall have thirty (30) days after the termination of the period granted by the authorizing court as provided in the preceding paragraphs within which to file the appropriate case before the Public Prosecutors Office of the Department of Justice (DOJ) for any violation of this Act.

If no case is filed within the thirty (30)-day period, the LEO shall, within thirty (30) days after the expiration of the order, notify the authorizing

court that no case has been filed. Failure to notify the authorizing court within the required period shall be penalized under Section 10(g) of this Act.

In investigating violations of this Act involving the use of the internet and other digital platforms, LEOs acting in an undercover capacity who record their communications with a person or persons reasonably believed to have committed, is committing, or is about to commit any of the violations under this Act, shall not be considered as wiretapping or illegal interception, and shall not be liable under the provisions of Republic Act No. 4200 or 'The Anti-Wiretapping Law': *Provided*, That victims of trafficking in persons, of whatever age, shall not be liable under the provisions of Republic Act No. 4200 and Republic Act No. 10175 or the 'Cybercrime Prevention Act of 2012', if they record, transmit, or perform any other acts directly or indirectly related to the reporting of any violation of this Act committed against them;

(c) *Classification and Content of the Order of the Authorizing Court.* – The written order of the court authorizing the conduct of interception shall specify the following:

(1) The identity, such as name and address, if known, of the charged or suspected person whose communications, are to be intercepted;

(2) In the case of communications made through the use of information and communications technology, the particular description of the number or account of the subscriber or registrant to be intercepted and their locations, if known;

(3) If the person suspected of the crime is not fully known, such person shall be subject to continuous surveillance provided there is a reasonable ground to do so;

(4) The identities of the intercepting LEOs, or the identities of individuals or juridical persons who will assist the LEA in carrying out said interception;

(5) The offense or offenses committed or being committed, or sought to be prevented; and

(6) The length of time within which the authorization shall be used or carried out;

(d) *Custody of Intercepted Communications.* — All tapes, discs, and recordings made pursuant to this section, including all excerpts and summaries thereof as well as all written notes or memoranda made in connection therewith, shall, within forty-eight (48) hours after the expiration of the period fixed in the written order, or within forty-eight (48) hours after the expiration of any extension or renewal, be submitted to the authorizing court or its appointed custodian. It shall be contained in a sealed envelope or package, as the case may be, and shall be accompanied by a joint affidavit of the LEO and the team members. In case of death or physical incapacity of the applicant to execute the required affidavit, the team member who is next in rank to the applicant named in the written order shall, together with the other team members execute the required affidavit. The LEA may, with proper court authorization, copy computer data that shall be utilized for case build-up or preliminary investigation purposes.

The copy of the computer data may be retained by the LEAs while the digital devices examined and the result of the digital forensic examination shall be deposited with the court that issued the court warrant, or in case where a criminal case is already filed in court, the court hearing the criminal case.

It shall be unlawful for any person, LEO, or any custodian to make a copy of the materials in their custody, such as tapes, discs, video footages and other recordings, or excerpts and summaries thereof including written notes and memoranda made in connection therewith, without court authorization, or to remove, delete, expunge, incinerate, shred, or destroy in any manner the items enumerated above in whole or in part under any pretext whatsoever;

(e) *Contents of Joint Affidavit.* — The joint affidavit of the LEO and the individual team members shall state:

(1) The number of tapes, discs, and recordings that have been made, as well as the number of excerpts and summaries thereof, and the number of written notes and memoranda, if any, made in connection therewith;

(2) The dates and times covered by each of such tapes, discs, and recordings;

(3) The number of tapes, discs, and recordings, as well as the number of excerpts and summaries thereof and the number of written notes and memoranda made in connection therewith that have been included in the deposit; and

(4) The date of the original written authorization granted by the DOJ to the applicant to file the *ex parte* application to conduct the interception, as well as the date of any extension or renewal of the original written authority granted by the authorizing court.

The joint affidavit shall also certify under oath that no unauthorized duplicates or copies of the whole or any part of any of such tapes, discs, and recordings, excerpts, summaries, written notes, and memoranda, have been made, or if made, that all such duplicates and copies are included in the sealed envelope or package, as the case may be, deposited with the authorizing division of the authorizing court;

(f) *Disposition of Deposited Material.* - The sealed envelope or package and the contents thereof, which are deposited with the authorizing court, deemed and are hereby declared classified information, shall not be opened. Its contents, including the tapes, discs, recordings, all the excerpts and summaries thereof, and the notes and memoranda made in connection therewith, shall not be divulged, revealed, read, replayed, or used as evidence unless authorized by written order of the authorizing court. For this purpose, the DOJ shall file a written application to open the sealed envelope or package before the authorizing court, with proper written notice to the person whose communications have been the subject of interception to open, reveal, divulge, and use the contents of the sealed envelope or package as evidence.

The written application with notice to the party concerned to open the deposited sealed envelope or package shall clearly state the purpose or reason:

(1) For opening the sealed envelope or package;

(2) For revealing or disclosing its classified contents;

(3) For replaying, divulging, or reading intercepted communications, including any of the excerpts and summaries thereof and any of the notes or memoranda made in connection therewith; and

(4) For using as evidence any of the intercepted communications, including any of the excerpts and summaries thereof and any of the notes or memoranda made in connection therewith;

(g) *Evidentiary Value of Deposited Materials.* – Intercepted communications, or any part or parts thereof, or any information or fact contained therein, including their existence, content, substance, purport, effect, or meaning, which have been secured in violation of the pertinent provisions of this Act, shall absolutely not be admissible and usable as evidence against any person in any judicial, quasi-judicial, legislative, or administrative investigation, inquiry, proceeding, or hearing;

(h) *Prosecution.* – Offenses punishable under this Act are public crimes. Any person who has personal knowledge of the commission of any offense under this Act, such as the trafficked person, the parents, spouse, siblings, children, legal guardian, officer or social worker or representative of a licensed child-caring institution, officer or social worker of the Department of Social Welfare And Development (DSWD), Philippine National Police (PNP) or National Bureau of Investigation (NBI) officers, barangay chairperson, or at least three (3) concerned citizens where the violation occurred, may file a complaint under this Act;

(i) *Venue.* – A criminal action arising from a 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. Cases involving trafficking in persons shall be heard in the chamber of the Regional Trial Court duly designated as family courts;

(j) *Affidavit of Desistance*. – Cases involving trafficking in persons should not be dismissed based on the Affidavit of Desistance executed by the victims or their parents or legal guardians. Public and private prosecutors are directed to oppose and manifest objections to motions for dismissal. Any attempt to unduly pressure the complainant to execute an Affidavit of Desistance shall be punishable under this Act;

(k) *Immediate Protection of Trafficking Victims*. – Where warranted, trafficking victims shall immediately be placed under the protective custody of the DSWD, pursuant to Republic Act No. 7610, otherwise known as the 'Special Protection of Children Against Abuse, Exploitation and Discrimination Act'. In the regular performance of this function, the DSWD shall be free from any administrative, civil, or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603 or 'The Child and Youth Welfare Code'.

Victims of trafficking of all ages shall be entitled to immediate temporary protective shelter from the DSWD: *Provided*, That if the trafficked person is overseas, it shall be the relevant embassy or consulate that shall provide the same.

Victims of trafficking and their family members shall be entitled to protection as well as preferential entitlement to the rights and benefits of witnesses under Republic Act No. 6981, otherwise known as the 'Witness Protection, Security and Benefit Act': *Provided*, That they possess all the qualifications and none of the disqualifications under the said law.

A victim of trafficking shall also be considered as a victim of a violent crime as defined under Section 3(d) of Republic Act No. 7309, entitled 'An Act Creating a Board of Claims Under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes', so that the victim may claim compensation therein;

(1) *Confidentiality.* – All records and proceedings under this law, from the initial contact until the final disposition of the case, shall be considered privileged and confidential. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings for any purpose whatsoever where the testimony of the child shall be taken in accordance with A.M. No. 004-07-SC or the Rule on Examination of a Child Witness.

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 broadcasting and digital media, and producer and director of the film in case of the movie industry, to cause any publicity that may result in the further suffering of the victim. Any person or agency involved in the reporting, investigation, or trial of cases of gender-based violence shall refrain from any act or statement that may be construed as blaming the victim or placing responsibility for the offense committed against the victim."

SEC. 8. Section 9 of Republic Act No. 9208 is hereby deleted, and a new Section 9 shall read as follows:

"SEC. 9. *Duties and Responsibilities of the Private Sector.* –

(a) *Duties of Internet Intermediaries.* – Internet intermediaries, including internet service providers, internet content hosts, participative network platform providers, financial intermediaries, and electronic money issuers, shall:

(1) Adopt in their terms of service or service agreements with third-party users or creators of contents, products, and services the

prohibition of any form of child trafficking, CSAEM or CSAM, or exhibition of any form of sexual exploitation of children in their facilities, infrastructure, server, and platforms;

(2) Cooperate, as far as practicable, with LEAs for the prosecution of offenders and the preservation of evidence, including the provision of subscriber information, traffic data, or both, of any person or subscriber who has committed, is committing, or is attempting to commit any violation of this Act upon formal request of duly authorized law enforcement bodies, with no need of warrant, and in accordance with due process;

(3) Compile and maintain a comprehensive list of child trafficking, CSAEM or CSAM, or any form of sexual exploitation of children-related Uniform Resource Locators (URLs): *Provided*, That the list is updated regularly by partnering with, or obtaining memberships in, organizations and coalitions that maintain a comprehensive list of child abuse image content URL list and image hashes, among others;

(4) Preserve and protect the integrity of all subscriber's or registrant's information and traffic data, in its control and possession, relating to communication services provided by an internet intermediary, within one (1) year from the date of the transaction for the purpose of the investigation and prosecution of all forms of trafficking: *Provided*, That, upon notice by the DOJ, PNP, NBI, or the Department of Information and Communications Technology-Cybercrime Investigation and Coordinating Council (DICT-CICC), the preservation of such relevant evidence shall be extended for another year as may be deemed necessary: *Provided, however*, That the relevant evidence that needs preservation shall be expressly identified and specified;

(5) Immediately block access to, remove, or take down the internet address, URL, website, or any content thereof, containing all forms of trafficking, CSAEM or CSAM, or any form of sexual exploitation of children, within twenty-four (24) hours from notice of the DOJ,

PNP, NBI, or the DICT-CICC, or upon knowledge of the existence of an attempt to commit or an actual act of trafficking in persons being committed within their control: *Provided*, That the provision in the preceding paragraph on preservation of subscriber data shall apply and shall be extended as may be deemed necessary by the DOJ, PNP, NBI, or the DICT-CICC;

(6) Report to the DOJ, PNP, NBI, or the DICT-CICC the internet addresses or websites blocked, removed, or taken down, or any form of unusual content or traffic data involving all forms of trafficking, child pornography, or any form of sexual exploitation of children that is being committed using its server or facility within three (3) days of the blocking, removal, or taking down of the same: *Provided*, That in case a foreign internet intermediary is prohibited by its country to share data, the reports filed by such foreign internet intermediary to the corresponding entity tasked by its government to receive cybercrime reports shall be deemed in compliance with this provision: *Provided, however*, That the said foreign internet intermediary shall inform the DOJ, PNP, NBI, or the DICT-CICC of such reporting: *Provided, further*, That whatever relevant data said foreign internet intermediary is not prohibited to share shall nevertheless be reported to the DOJ, PNP, NBI, or the DICT-CICC: *Provided, finally*, That no internet intermediary shall be held civilly liable for damages on account of any notice given in good faith in compliance with this section; and

(7) Upon request and notwithstanding the provisions of Republic Act No. 10175 or the 'Cybercrime Prevention Act of 2012' and in accordance with Republic Act No. 10173, or the 'Data Privacy Act of 2012', provide the DOJ, PNP, NBI, or the DICT-CICC the subscriber information of any person who gained or attempted to gain access to an internet site or internet application which contains any form of child trafficking, CSAEM or CSAM, or any form of sexual exploitation of children: *Provided*, That the request must particularly describe the

information asked for and indicate the relevancy of such information to such case.

Nothing in this section may be construed to require internet intermediaries to engage in the monitoring of any user, subscriber, or customer, or the content of any communication of any such person.

These duties and obligations shall be without prejudice to other duties and obligations that may be imposed in other laws, particularly when the violations involve online sexual abuse and exploitation of children.

(b) *Duties of Owners and Operators of Internet Cafes, Hotspots and Kiosks, Money Transfer and Remittance Centers, Transport Services, Tourism Enterprises, Malls, and Other Business Establishments Open and Catering to the Public.* — Owners and operators of internet cafes, hotspots and kiosks, money transfer and remittance centers, transport services, tourism enterprises, malls, and other business establishments open and catering to the public are required to notify the PNP or NBI within forty-eight (48) hours from obtaining facts and circumstances that violations of this Act are taking place within their premises, or that their facilities and services are being used to commit violations of this Act: *Provided*, That public display of any form of CSAEM or CSAM within their premises is a conclusive presumption of the knowledge of the owners, operators, or lessors of business establishments of the violation of this Act. Establishments shall promote awareness against trafficking in persons through clear and visible signages in both English and the local dialect, with local and national hotlines posted within a conspicuous place in their facilities. Money transfer and remittance centers shall require individuals transacting with them to present valid government identification cards.

(c) *Responsibilities of Tourism Enterprises.* — All tourism enterprises shall notify the DSWD, DOJ, Department of Labor and Employment (DOLE), PNP, or the NBI within forty-eight (48) hours from obtaining facts and circumstances that trafficking in

persons, including child trafficking or sexual exploitation of children, is being committed in their premises: *Provided*, That public display of any form of CSAEM or CSAM within their premises is a conclusive presumption of the knowledge of the owners, operators, or lessors of business establishments of the violation of this Act.

All tourism enterprises shall post a notice containing the contact details of trafficking in persons hotlines, both national and local, in a conspicuous place near the public entrance, inside rest rooms, elevators, parking areas of the establishment, and in other conspicuous locations where similar notices are customarily posted in clear view of the public and employees. They shall likewise engage in anti-trafficking advocacy as part of their corporate responsibility. For this purpose, the Inter-Agency Council Against Trafficking (IACAT) shall develop a model notice that complies with the requirements of this section and make it available for downloading in its internet website, and for posting of local government units (LGUs) and tourism enterprises.

Further, all tourism enterprises shall develop their own anti-trafficking tourism policy, in accordance with guidelines from IACAT and the Department of Tourism. They shall also, in cooperation with the DSWD, IACAT, or a reputable nongovernmental organization (NGO) focused on anti-trafficking in persons, train their employees who are likely to interact or come into contact with victims of trafficking in persons in recognizing the signs of human trafficking and how to report suspected trafficking activity to the appropriate LEA. The IACAT shall, together with the DSWD, develop a training curriculum or program and make the same available for downloading in its internet website.

The preceding responsibilities of tourism enterprises shall be made part of the requirements for accreditation by the local government and for the issuance of the local business permit to operate.

(d) *Responsibilities of Financial Intermediaries.*
 - Any financial intermediary or person working for, related to, or who has direct knowledge of any trafficking in persons-related financial activity or

transaction conducted through a financial intermediary, shall have the duty to report any suspected trafficking in persons-related activity or transaction to the concerned LEAs. Likewise, financial intermediaries shall have the duty to report these activities to the Anti-Money Laundering Council (AMLC) in accordance with the suspicious transaction reporting mechanism under Republic Act No. 9160, otherwise known as the 'Anti-Money Laundering Act of 2001', as amended.

The AMLC shall promulgate the necessary rules and regulations for the implementation of this provision which shall include, among others, the guidelines to determine suspicious activity and indicators that trafficking in persons-related activities are being conducted. The AMLC shall provide the necessary guidelines with regard to this provision within three (3) months from the effectivity of this Act.

Notwithstanding the provisions of Republic Act No. 1405 as amended, Republic Act No. 6426 as amended, Republic Act No. 8791 and other pertinent laws, the LEAs investigating cases of trafficking in persons may inquire into or examine any particular deposit or investment, including related accounts, with any banking institution or non-bank financial institution; or require financial intermediaries, internet payment system providers, and other financial facilitators to provide financial documents and information, upon order of any competent court based on an *ex parte* application in cases of violations of this Act, when it has been established that there is reasonable ground to believe that the deposit or investments, including related accounts involved, are related to trafficking in persons and violations of this Act.

(e) *Hotels, Transient and Residential Houses, Condominiums, Dormitories and Apartments or any Analogous Living Spaces.* – All owners, lessors, sub-lessors, operators of hotels, residential homes and dwellings offered for transient use, condominiums, dormitories, apartments, or any analogous living spaces shall notify the PNP or the NBI immediately but not later than forty-eight (48) hours from obtaining facts and circumstances that trafficking activities or OSAEC activities are being committed

within their premises: *Provided*, That actual knowledge by the owners, lessors, sub-lessors, operators, or owners, lessors, or sub-lessors of other business establishments is required for prosecution under this Act: *Provided, further*, That the receipt of information that trafficking activity has taken place in the premises also gives rise to the duty to notify the PNP or the NBI.

The duties and obligations of the above entities as stated herein, when requested by law enforcers, prosecutors and other investigative bodies through proper processes and done in good faith, shall not be construed as a violation of Republic Act No. 10173 or the 'Data Privacy Act of 2012' or Republic Act No. 10175 or the 'Cybercrime Prevention Act of 2012'."

SEC. 9. Section 10 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

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

X X X

(g) Any person who violates Section 9 hereof shall suffer the penalty of a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00) for the first offense. In case of subsequent offense, the penalty of a fine of not less than Two million pesos (P2,000,000.00) but not more than Ten million pesos (P10,000,000.00) and revocation of franchise and license to operate. Without prejudice to the criminal liability of the person or persons willfully refusing to perform the responsibilities under Section 9 of this Act, juridical persons owning or managing the aforementioned enterprises shall be subsidiarily liable, and their license or permit to operate may be revoked.

Willful and intentional violations of Section 9 of this Act are subject to the penalties in paragraph (f) of this section;

(h) Any person found guilty of violating paragraphs (b), (d), and (g) of Section 8 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): *Provided*, That the penalty of not less than six (6) years and one (1) day to twelve (12) years of imprisonment shall be imposed on any person who copies without court authorization, removes, deletes, expunges, incinerates, shreds or destroys the tapes, discs, and recording; and their excerpts and summaries, written notes, or memoranda made in connection with the authorized interception and recording thereof intentionally; or omits or excludes from the joint affidavit any item or portion thereof mentioned therein;

(i) The license of a recruitment or manning agency which recruited or deployed an underage migrant worker shall be automatically revoked and shall be penalized with a fine of not less than One million pesos (P1,000,000.00) but not more than Three million pesos (P3,000,000.00) per recruited underage migrant worker. All fees pertinent to the processing of papers or documents in the recruitment or deployment of the underage migrant worker shall be refunded by the responsible recruitment or manning agency, without need of notice, to the underage migrant worker or to the latter's parents or guardian. The refund shall be independent of and in addition to the indemnification for the damages sustained by the underage migrant worker. The refund shall be paid within thirty (30) days from the date of the mandatory repatriation;

(j) Any person who violates Section 5(m) of this Act shall be deemed to have committed unlawful activities and penalized for money laundering as defined in Republic Act No. 9160, otherwise known as the 'Anti-Money Laundering Act of 2001', as amended;

(k) Any person who files a complaint against another for violations of this Act and such complaint has been found to be with malice and solely for the purpose of harassing, persecuting or subjecting the latter to unwarranted surveillance or wiretapping, or both, shall suffer the penalty of imprisonment of not

more than one (1) year 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);

(l) 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, or any responsible officer, or any two (2) or more of them, who participated in the commission of the crime or who shall have permitted or knowingly failed to prevent its commission;

(m) The registration with the Securities and Exchange Commission (SEC) or the Department of Trade and Industry (DTI) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, any place of entertainment, or any of the enumerated entities under Section 9, 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;

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

(o) 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 officials or employees shall, upon conviction, be dismissed from the service and be barred permanently to hold public office and their retirement and other benefits shall likewise be forfeited;

(p) Public or government officials and employees who are found guilty of any violation of this Act shall be punished with dismissal or removal from office after due notice and hearing by the appropriate agency. In addition, such official or employee shall suffer perpetual absolute disqualification to hold public office and forfeiture of all retirement and other benefits; and

(q) 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. 10. Section 15 of Republic Act No. 9208 is hereby amended to read as follows:

"SEC. 15. *Trust Fund.* – All fines imposed under this Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 hereof, as well as those collected by the AMLC, 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 are not limited to, the following:

(a) x x x

x x x."

SEC. 11. Section 16 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

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

(a) Department of Foreign Affairs (DFA) – shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer

networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs. It shall provide Filipino victims of trafficking overseas with free legal assistance and counsel to pursue legal action against his or her traffickers, represent his or her interests in any criminal investigation or prosecution, and assist in the application for social benefits and/or regular immigration status as may be allowed or provided for by the host country. The DFA shall repatriate trafficked Filipinos with the consent of the victims and assist in the prosecution of their traffickers.

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

In coordination with the DOLE, it shall provide free temporary shelters and other services to Filipino victims of trafficking overseas through the Migrant Workers and other Overseas Filipinos Resource Centers established overseas under Republic Act No. 8042, as amended.

In coordination with the Bureau of Immigration (BI) and the DOJ, the DFA shall:

- (1) Ensure, as far as practicable, that all convicted sex offenders in all jurisdictions, or those listed in the registry of sex offenders in their own countries shall not be allowed entry in the Philippines;
- (2) Develop mechanisms to ensure the timely, coordinated, and effective response to cross-border cases of trafficking;
- (3) Provide immediate protection, repatriation, or both, to Filipino victims of trafficking overseas;
- (4) Recommend measures and undertake joint activities to enhance cooperative efforts and mutual assistance among foreign countries through bilateral or multi-lateral arrangements

to promote the registration of trafficking and sex offenders and their notification to persons concerned;

(5) Adopt measures and policies to protect the rights and needs of victims who are foreign nationals or asylum seekers, refugees, stateless applicants and stateless persons in the Philippines and foreign NGOs caring for and protecting victims; and

(6) Initiate training programs to capacitate government agents and NGOs in identifying and providing the necessary measures for intervention or assistance to victims of trafficking.

(b) Department of Social Welfare and Development (DSWD) – shall develop gender-responsive and trauma-informed counseling, rehabilitative, and protective programs for trafficked persons; including prevention, rehabilitation, and reintegration programs for children, taking into consideration the unique needs and requirements to enable them to cope with the trauma that they have suffered on account of trafficking. It shall ensure that the national recovery and reintegration database is updated and maintained, and that the national referral system which shall coincide with the local referral system, shall be implemented. It shall maintain a 24-hour call center for crisis calls and technology-based counseling and referral system.

The DSWD must conduct information campaigns in communities and schools, teaching parents and families that receiving consideration in exchange for adoption is punishable under the law. Furthermore, information campaigns shall educate and enjoin parents not to give their children up for adoption in exchange for any consideration.

(c) Department of Labor and Employment (DOLE) – shall ensure the strict implementation and compliance with the rules and guidelines relative to standard labor conditions and the employment of persons locally and overseas across all sectors. It shall likewise monitor, document and report cases of trafficking in persons involving employers and formal and informal labor recruiters across all sectors, provide employment facilitation and livelihood opportunities to trafficked victims and survivors. It shall assist in the prosecution of employers hiring

trafficked foreign nationals. In coordination with the DFA, it shall provide free temporary shelters and other services to Filipino victims of trafficking through the Migrant Workers and Other Overseas Filipinos Resource Center under Republic Act No. 8042. It shall also provide reintegration support to these victims upon their repatriation.

(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. For this purpose, it shall provide legal and technical advice to the LEAs and facilitate international and mutual legal assistance on the preservation and production of computer data and collection of electronic evidence. 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. The DOJ shall conduct trainings and continuous education programs on investigation and prosecution for trafficking in persons and other related offenses for prosecutors and LEOs; make or process requests for mutual legal assistance or extradition; coordinate with international law enforcement and prosecution authorities for the prosecution of human traffickers with a cross-border element; institutionalize border control mechanisms to enforce the provisions of this Act; and coordinate with and provide assistance to AMLC on cases of trafficking in persons with possible money laundry underpinnings.

(e) Philippine Commission on Women (PCW) –
x x x

(f) Bureau of Immigration (BI) – shall strictly administer and enforce immigration and alien administration laws. It shall disallow entry of foreign nationals who have been blacklisted or placed in watchlist status for having committed sex offenses against women and children, or similar activities as trafficking in persons and OSAEC in any jurisdiction. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure, ensure stronger border protection against human trafficking including the regulation of visa upon arrivals, 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.

x x x

(i) Department of the Interior and Local Government (DILG) – shall institute a systematic information and prevention campaign in coordination with pertinent agencies of government as provided for in this Act. In coordination with the IACAT, it shall provide training capacity-building and awareness-raising programs to LGUs, in coordination with their local anti-trafficking in persons committees or council to support the effective implementation of a community-based trafficking education program, and to ensure wide understanding and application of this Act at the local level. Together with the leagues of provinces, cities, and municipalities, it shall also embed in the LGU accreditation and local permit processing of tourism enterprises a protocol that shall emphasize anti-trafficking objectives, the various forms by which trafficking in persons is committed, and the concomitant responsibility of these enterprises to report actual and possible acts of trafficking to the authorities.

It shall mandate LGUs to pass an ordinance to combat trafficking in persons and other forms of exploitation at the local level; and develop and implement a trafficking in persons preventive education program aimed at educating and orienting the public about the crime and how it is perpetrated in current society, and the services available for victims and survivors.

(j) Commission on Filipinos Overseas (CFO) – shall conduct pre-departure counseling services for Filipinos in intermarriages and bi-national couples, including an orientation on human trafficking and other forms of exploitation and reporting mechanisms and services available to the victims and survivors; and maintain a watch list database of foreign nationals with a history of domestic violence, involvement in trafficking in persons, mail-order-bride schemes, child abuse, and sexual abuse. It shall develop a system of accreditation of NGOs that may be mobilized for purposes of conducting pre-departure counseling services for Filipinos in intermarriages

and bi-national couples. As such, it shall ensure that the counselors contemplated under this Act shall have the minimum qualifications and training of guidance counselors as provided for by law.

It shall, in coordination with the IACAT, supervise the operation of a 24/7 hotline facility, 1343 Actionline, against human trafficking that responds to emergency or crisis calls from victims of human trafficking, their families, and the general public.

It shall likewise assist in the conduct of information campaigns against trafficking in coordination with LGUs, the Philippine Information Agency (PIA), and NGOs.

(k) Local government units (LGUs) – shall develop and implement programs to prevent trafficking in persons, monitor and document cases of trafficking in persons, and provide support to victims of trafficking in persons including their subsequent rehabilitation and reintegration. To this end, they shall:

(1) Ensure that the Violence Against Women and Children desks in all barangays are activated and staffed by trained personnel who are able to provide immediate and appropriate support to victims of trafficking in persons;

(2) Organize and ensure the smooth functioning of a sub-committee on trafficking in persons as an integral part of the local anti-trafficking in persons council that shall recommend policies and programs aimed at ensuring the protection of children against trafficking and grant honoraria to local anti-trafficking in persons committees or council members to ensure total active participation;

(3) Document and monitor cases of trafficking in persons in their respective areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act, ensure effective prosecution of such cases, and prescribe compliance with this Act as requisite for the issuance and renewal of licenses and permits to establishments within their respective jurisdictions, including internet

service providers, internet content hosts, internet cafes and establishments offering Wi-Fi services, tourism enterprises and malls, transportation services, and financial intermediaries;

(4) Ensure the provision of necessary services to victims of trafficking in persons, such as temporary shelter, board and lodging, transportation, counseling and documentation, among others;

(5) Coordinate with, refer, and endorse to the DSWD all cases of trafficking in persons;

(6) Undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces in coordination with the DILG, PIA, CFO, NGOs and other concerned agencies. They shall develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community;

(7) Encourage and support community-based initiatives which address the trafficking in persons;

(8) Enact ordinances to localize and strengthen the implementation of this law by providing local services and programs to victims-survivors of trafficking and other exploitative behavior;

(9) Develop a system for accreditation of NGOs and civil society organizations (CSOs) for purposes of establishing centers and programs for interventions in the community;

(10) Submit regular reports to the IACAT on trafficking in persons cases and programs undertaken to prevent and address trafficking in persons; and

(11) Provide livelihood grants to support the economic empowerment of poor households, in order to increase their financial capacities

and address household crises which force them to engage in trafficking.

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

The DILG shall investigate violations of this provision and recommend the appropriate filing of an administrative case against erring public officials to the Ombudsman.

Any act or omission that is violative of this provision, and which is defined and penalized under the Revised Penal Code or any statute, shall be prosecuted and punished under the applicable law.

(l) Department of Health (DOH) – shall make available resources and facilities in providing health care to victims of trafficking, which shall at all times be held confidential. It shall likewise develop a comprehensive program to prevent the trafficking of persons for the removal or sale of organs for implementation by the local health offices, and render assistance in the investigation and prosecution of the same. It shall also undertake and sustain activities to increase public awareness on trafficking in persons for the removal or sale of organs, which may include awareness among medical practitioners, family and patient information and education, public education, and advocacy campaigns. It shall also provide assistance in the investigation and prosecution of traffickers of infants born in health facilities. It shall further render the same assistance in organ trafficking cases.

(m) Department of Information and Communications Technology (DICT) – in coordination with the Cybercrime Investigation and Coordinating Council (CICC), National Privacy Commission (NPC) and National Telecommunications Commission (NTC) shall formulate policies, rules, and regulations to ensure that internet intermediaries will comply with their duties to notify, preserve, and disclose data, as well as install available technology to block or filter any form of child trafficking, child sexual abuse, or CSAEM or CSAM.

It shall likewise extend immediate assistance for the prevention of the commission of cybercrime offenses related to trafficking in persons, particularly online exploitation of children; and assist law enforcement and prosecution agencies in the investigation of trafficking in persons committed through the use of information and communications technology.

(n) Department of Migrant Workers (DMW) – shall provide Filipino victims of labor trafficking overseas with free legal assistance and counsel to pursue legal action against the offenders; represent their interests in any criminal investigation or prosecution; and assist in the application for social benefits and the regularization of their immigration status as may be allowed or provided for by the host country. The DMW shall repatriate trafficked Overseas Filipino Workers (OFWs), especially those whose ages fall below the minimum age requirement for overseas deployment, without delay, with the consent of the victims and assist in the prosecution of their traffickers. All responsible officers in the Foreign Service shall have the duty to advise the DMW through the fastest means of communication available the discovery and other relevant information on said trafficked migrant workers.

(o) Department of Tourism (DOT) – in coordination with the IACAT and other relevant government agencies, shall formulate and implement preventive measures against sex tourism packages and the use of tourism enterprises as situs of human trafficking; develop a comprehensive program, including policies and guidelines, to address and prevent trafficking in persons in the travel and tourism industry and in places of amusement; develop a set of criteria as basis for accreditation of tourism enterprises by its local tourism offices, such as the enactment of a local tourism child protection policy in partnership with an NGO that is involved in preventing sexual exploitation of children in the travel and tourism industry; and ensure that all anti-trafficking in persons safeguards, and relevant national and local labor standards and practices are being followed, adopted and implemented in all tourism enterprises, the travel and tourism industry and in places of amusement.

(p) Department of Education (DepEd) – shall provide measures to prevent trafficking in persons and other exploitative acts such as OSAEC in educational institutions, such as the conduct of information campaigns and the establishment of reporting mechanisms in the school system consistent with its child protection and gender and development programs; and develop a teacher training manual and modules or curriculum for students aimed at raising their awareness on the perils of trafficking in persons and the prevention of trafficking and other exploitative forms of behavior.

In coordination with the IACAT, the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), and civil society actors, the DepEd shall implement a school-based anti-trafficking preventive education program.

(q) Department of Agriculture (DA) and Bureau of Fisheries and Aquatic Resources (BFAR) – shall institute a systematic information and prevention campaign in coordination with the agencies of government as provided for in this Act. It shall provide capacity-building programs to its regional, city, and municipal units, in coordination with the IACAT and other concerned agencies, to ensure wide understanding and application of this Act, including the local agriculture and fisheries sector. They shall encourage and support anti-trafficking initiatives in the national and local levels, and establish a system for receiving complaints and calls of assisting trafficked persons, and facilitating the referral of these complaints to the appropriate agency.

(r) Department of Transportation (DOTr) – consistent with its mandate to provide viable, efficient, fast, safe, and dependable transportation, shall develop a comprehensive program and awareness campaign to assist all transportation sectors, including Transport Network Vehicle Services (TNVS), and transportation personnel, such as airline flight attendants, airport agents, taxi and bus drivers, TNVS drivers, truckers, train and delivery drivers, and passenger boat crew in identifying victims of trafficking in persons and reporting incidents of trafficking in persons.

(s) Philippine Coast Guard (PCG) – consistent with its mandate to perform maritime search and rescue, maritime law enforcement, maritime safety, and maritime security, shall undertake regular inspections, surveillance, investigation, and arrest of individuals or persons suspected to be engaged in trafficking at sea. It shall closely coordinate with other LEAs to secure concerted efforts for effective investigation and apprehension of suspected traffickers and shall establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations. It shall provide capacity-building programs to its regional, city, and municipal units, in coordination with other concerned agencies, in ensuring wide understanding and application of this Act at the local level. It shall encourage and support anti-trafficking initiatives from the national to the local levels.

(t) National Council on Disability Affairs (NCDA) – in coordination with the IACAT, shall develop programs for the prevention of trafficking of PWDs; and provide assistance to PWDs who are victims of trafficking.

(u) National Commission on Indigenous Peoples (NCIP) – in coordination with the IACAT, shall develop a program for the prevention of trafficking in indigenous persons and in indigenous cultural communities: *Provided, That* trafficking in persons cases are matters that cannot be the subject of settlement in accordance with tribal customs.

(v) Office of Civil Defense - National Disaster Risk Reduction and Management Council (OCD-NDRRMC) – in coordination with the IACAT, shall develop guidelines for the prevention of trafficking in persons in emergency, disaster, pandemic and crisis situations, as well as mandate the Local Disaster Risk Reduction Management Office (LDRRMO) and Council (LDRRMC) to develop programs to prevent and protect the survivors of disaster or conflict from perpetrators of trafficking in persons.

(w) Philippine Amusement and Gaming Corporation (PAGCOR) – in coordination with the IACAT and the DOLE, shall develop guidelines to

monitor Philippine Off-Shore Gaming Operator establishments to ensure compliance with the provisions of this Act. It shall also monitor gaming and amusement venues to prevent sex trafficking and prosecute violators.

(x) Philippine Center on Transnational Crime (PCTC) – shall undertake strategic research on the structure and dynamics of trafficking in persons with transnational crime dimension, predict trends and analyze given factors for the formulation of individual and collective strategies for the prevention and detection of trafficking in persons and the apprehension of criminal elements involved; strengthen information exchange on trafficking in persons between and among government agencies, foreign counterparts and international organizations; serve as the focal point in international enforcement coordination on trafficking in persons particularly with the International Criminal Police Organization (INTERPOL) and cooperation with regional and international foreign counterparts; and promote the development of training courses in relation to combating the crime of trafficking in persons.

(y) Council for the Welfare of Children (CWC) – shall integrate in its development and strategic frameworks issues and concerns affecting trafficking in children and ensure the adoption of such frameworks by the LGUs and other stakeholders; vigorously advocate against trafficking of children; improve data on trafficking in children through integration of critical and relevant indicators into the monitoring system for children; adopt policies and measures that will protect and promote the rights and welfare of children victims of trafficking and coordinate and monitor their implementation; and address issues on trafficking of children through policy and program interventions.

(z) Philippine Ports Authority (PPA) – consistent with its mandate, shall enhance its security measures and shall undertake regular inspections of the country's ports and harbors; coordinate with other LEAs for effective investigation and apprehension of suspected traffickers; and develop programs to address and prevent trafficking in persons committed within the ports under their jurisdiction."

SEC. 12. Section 19 of Republic Act No. 9208 is hereby amended as follows:

“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, including the provision of interpreters and coordination with their respective embassies with the express consent of the victims: *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. 13. Section 20 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

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

- (a) Secretary, Department of Foreign Affairs;
- (b) Secretary, Department of Labor and Employment;
- (c) Secretary, Department of the Interior and Local Government;
- (d) Secretary, Department of Education;
- (e) Secretary, Department of Health;
- (f) Secretary, Department of Information and Communications Technology;
- (g) Secretary, Department of Migrant Workers;

- (h) Secretary, Department of Tourism;
- (i) Secretary, Department of Transportation;
- (j) Administrator, Philippine Overseas Employment Administration;
- (k) Commissioner, Bureau of Immigration;
- (l) Commandant, Philippine Coast Guard;
- (m) Chief, Philippine National Police;
- (n) Chairperson, Philippine Commission on Women;
- (o) Chairperson, Commission on Filipinos Overseas;
- (p) Chairperson, National Commission on Indigenous Peoples;
- (q) Director, National Bureau of Investigation;
- (r) Executive Director, Philippine Center on Transnational Crime;
- (s) Executive Director, Council for the Welfare of Children;
- (t) Executive Director, National Authority for Child Care;
- (u) Executive Director, Anti-Money Laundering Council;
- (v) Presidents of the Leagues of Provinces, Municipalities, and Cities of the Philippines; and
- (w) Three (3) representatives from NGOs, who shall include one (1) representative each from among the sectors representing women, overseas Filipinos, and children, with a proven record of involvement in the prevention and suppression of trafficking in persons, and with a view towards even geographical representation. 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. 14. Section 21 of Republic Act No. 9208 is hereby amended to read as follows:

"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, utilizing a multi-disciplinary and collaborative approach in the service delivery to and case management of trafficking victims and survivors and their families, including livelihood opportunities, and the development of school-based and community-based human trafficking preventive education programs, and psychosocial interventions by a multi-disciplinary team for the victims and their families;

x x x

(m) Coordinate with the DICT, DTI, and other NGOs in monitoring the promotion of advertisements that tend to promote trafficking in persons;

(n) x x x;

(o) x x x;

(p) Regularly assess current data collection on, and the reporting and monitoring system for trafficking in persons, and identify gaps in implementation;

(q) Develop an effective referral system which concerned government agencies and NGOs can use to coordinate the provision of the necessary intervention or assistance that can be provided to trafficked persons;

(r) Conduct periodic studies with other stakeholders such as LGUs, civil society, and the

academe to build more empirical evidence on trafficking cases;

(s) Develop an integrated case management system or trafficking in persons data sets to facilitate the coordination and monitoring among the members of the Council and ensure the proper recovery and reintegration of the victim-survivors of trafficking;

(t) Impose administrative sanctions on the violations of this law and its implementing rules and regulations as well as its orders and resolutions; and

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

SEC. 15. Section 22 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

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

x x x

The Secretary of Justice shall determine the organizational structure and staffing pattern of the Secretariat. Such organizational structure and staffing pattern shall be submitted to the Department of Budget and Management for approval.”

SEC. 16. Section 24 of Republic Act No. 9208 is hereby amended to read as follows:

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

(a) x x x

(b) x x x

(c) x x x

(d) Healing, Recovery, and Reintegration Program for Trafficked Persons (RRPTP) – The DSWD and the LGUs shall develop and implement

a healing, recovery, and reintegration program for trafficked persons which shall include a comprehensive package of services for the individual victim-survivor of trafficking in persons, the victim's immediate family, and the community at large including mental health services such as psychological assessment, counseling and therapy, rehabilitation, upgrade of temporary shelters, assistance in accessing judicial services, livelihood training and opportunities, psychoeducation services, educational scholarships, or skills enhancement training services, and economic reintegration services.

The LGUs shall be responsible for the proper implementation of the recovery and reintegration program for trafficked persons: *Provided*, That the DSWD shall monitor and evaluate the implementation of the program and conduct an audit of Local Social Welfare and Development Offices."

SEC. 17. Section 26-A of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

"SEC. 26-A. *Extra-Territorial Jurisdiction*. –

The State shall exercise jurisdiction over any act defined and penalized under this Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, if the offense, being a continuing offense, was either commenced in the Philippines; or committed in another country: *Provided*, That in the case of the latter, the suspect or accused:

(a) x x x;

(b) x x x;

(c) x x x;

x x x."

SEC. 18. Section 28 of Republic Act No. 9208, as amended, is hereby further amended to read as follows:

"SEC. 28. *Appropriations*. – The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act."

SEC. 19. Section 29 of Republic Act No. 9208 is hereby amended to read as follows:

"SEC. 29. *Implementing Rules and Regulations (IRR)*. – The IACAT shall, in consultation with representatives from other relevant government agencies such as CWC, DICT, CICC, PNP, NBI, NTC, NPC, the internet intermediaries, and concerned NGOs, promulgate the necessary rules and regulations to implement this Act, within ninety (90) days after the effectivity.

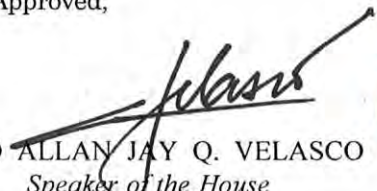
The Revised Penal Code and other special laws shall be suppletorily applicable to this Act."

SEC. 20. *Separability Clause*. – If any part of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

SEC. 21. *Repealing Clause*. – Article 202 of the Revised Penal Code, as amended by Republic Act No. 10158, is deemed repealed and Republic Act No. 9208, as amended by Republic Act No. 10364, is hereby further amended. All laws, acts, presidential decrees, executive orders, administrative orders, and rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified, or repealed accordingly: *Provided*, That this Act shall not in any way amend or repeal the provisions of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act".

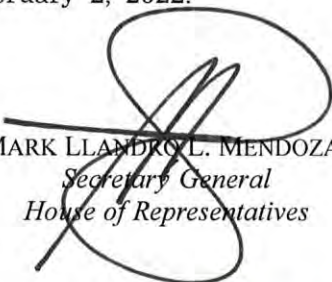
SEC. 22. *Effectivity*. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,


LORD ALLAN JAY Q. VELASCO
Speaker of the House
of Representatives


VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 2449 and House Bill No. 10658 was passed by the Senate of the Philippines and the House of Representatives on February 2, 2022.


 MARK LLANDRO L. MENDOZA
Secretary General
House of Representatives


 MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: JUN 23 2022


 RODRIGO ROA DUTERTE
President of the Philippines



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