

**2022 IMPLEMENTING RULES AND REGULATIONS OF
REPUBLIC ACT (R.A.) NO. 9208 (THE “ANTI-TRAFFICKING IN PERSONS
ACT OF 2003”), AS AMENDED BY R.A. NO. 10364 (THE EXPANDED
ANTI-TRAFFICKING IN PERSONS ACT OF 2012) AND FURTHER
AMENDED BY R.A. NO. 11862 (THE EXPANDED ANTI-TRAFFICKING IN
PERSONS ACT OF 2022)**

**RULE I
GENERAL PROVISIONS**

**Article 1
Preliminary Provisions**

Section 1. *Title.* These rules and regulations shall be known and cited as “***The 2022 Revised Rules and Regulations Implementing Republic Act No. 9208, as amended***”.

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

Section 3. *State Policies.* (a) The State values the dignity of every human person and guarantees the respect for individual rights. Towards this end, the State shall give the highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons (TIP), 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.

(b) The State also recognizes the equal rights and inherent human dignity of all members of the human family, as enshrined and guaranteed in the following international instruments:

- (1) Universal Declaration of Human Rights;
- (2) Convention on the Elimination of All Forms of Discrimination Against Women;
- (3) Convention on the Rights of the Child and its optional protocols;
- (4) Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- (5) Convention Against Transnational Organized Crimes including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- (6) International Labour Organization (ILO) Convention No. 182, Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

- (7) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- (8) Association of Southeast Asian Nations (ASEAN) Convention against Trafficking in Persons, Especially Women and Children;
- (9) United Nations (UN) Global Compact for Safe, Orderly and Regular Migration; and
- (10) All other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a State Party.

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

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

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

Article 2 Definition of Terms

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

- (a) *Act* – refers to Republic Act (R.A.) No. 9208, as amended by R.A. No. 10364 and R.A. No. 11862.
- (b) *Child* – refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of, or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- (c) *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.
- (d) *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.

- (e) *Children involved in Armed Conflict (CIAC)* – refers to children who are either forcibly, compulsorily recruited, or who voluntarily joined a government force or any armed group in any capacity. They may participate directly in armed hostilities as combatants or fighters; or indirectly through support roles such as scouts, spies, saboteurs, decoys, checkpoint assistants, couriers, messengers, porters, cooks or as sexual objects.
- (f) *Communications* – refers to any spoken or written conversations, exchanges, discussions, data, information, or messages for interception.
- (g) *Computer and Other Computer-Related Devices* – 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.
- (h) *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.
- (i) *Council* – refers to the Inter-Agency Council Against Trafficking (IACAT) created under Section 20 of the Act.
- (j) *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.
- (k) *Debt Bondage* – refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services, as reasonably assessed, is not applied toward the liquidation of the debt.

- (l) *Electronic or Digital Evidence* – refers to evidence, the use of which is sanctioned by existing rules of evidence, in ascertaining in a judicial proceeding, the truth respecting a matter of fact, which evidence is received, recorded, transmitted, stored, processed, retrieved or produced electronically.
- (m) *Extradition* – refers to the surrender of an accused or convicted person from one state to another state pursuant to an extradition treaty for criminal investigation or prosecution, imposition of penalty or service of sentence for an extraditable offense.
- (n) *Forced Labor* – refers to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception including any work or service extracted from any person under the menace of penalty.
- (o) *Foreign Service Post (FSPs)* – refers to Philippines embassies, missions, consulates general and other foreign service establishments maintained by the Department of Foreign Affairs (DFA).
- (p) *Information and Communications Technology (ICT)* – refers to the totality of electronic means to access, create, collect, store, process, receive, transmit, present, and disseminate information.
- (q) *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 communications is occurring.
- (r) *Internet Intermediaries* – refers 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 engine 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.
- (s) *Involuntary Servitude* – refers to a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to

cause a person to believe that if he/she did not enter into or continue in such condition, he/she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of the legal process.

- (t) *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.
- (u) *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 (d) of this section.
- (v) *Port of entry and exit* – refers to international airports and/or seaports designated by the Commissioner of Bureau of Immigration (BI), from among the ports of entry and exit designated by law, to be used as an entry point for arriving foreigners and Filipino nationals from another country to the Philippines and as an exit point for foreigners and Filipino citizens leaving the country and bound abroad.
- (w) *Prostitution* – refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- (x) *Sex Tourism* – refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.
- (y) *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.

- (z) *Slavery* – refers to the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
- (aa) *Subscriber’s or Registrant’s Information* – refers to any information contained in the form of computer data or 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.
- (bb) *Tourism Enterprises* – refers 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.
- (cc) *Trafficked Person* – refers to a victim of TIP under the Act. This shall also include persons rescued or intercepted from potential TIP situations.
- (dd) *Trafficking in Persons (TIP)* – 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, 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.¹

RULE II REPORTING, INVESTIGATION AND OTHER LAW ENFORCEMENT ACTION

Article 1 Reporting of Suspected/Alleged Trafficking Incident

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

A report may also be made to the IACAT Anti-Trafficking Task Force, IACAT 1343 Action Line, or the official social media pages or helpline of law enforcers, local government units (LGUs) and other Council Members. The informant and trafficked person's identity shall be treated with confidentiality in accordance with the confidentiality requirements under R.A. No. 9208, as amended, and other related laws.

Section 7. *Report of an international TIP case.* Report of cases of alleged or suspected international TIP may be made to the authorities mentioned in Rule III herein, or to the Department of Migrant Workers (DMW) or the DFA, or to the Philippine FSPs or the Migrant Workers Office (MWO) which has jurisdiction over the place where the TIP occurred or where the trafficked person is or may be found.

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

Section 9. *Action on the reported TIP incident by barangay authorities and LSWDO.* The *barangay* authorities or LSWDO to whom a report of a suspected

¹ Under Section 4 of R.A. 11862 in the case of overseas domestic work, a "child" means a person below twenty-four (24) years old.

or alleged TIP incident is made shall immediately get the pertinent details of the TIP incident from the person who made the report, such as but not limited to the:

- (a) Name, address, age, gender, nationality, ethnicity (i.e., Indigenous People) of the trafficked person, and whether he/she is with or without disability;
- (b) Location of the trafficked person and/or where the TIP incident occurred;
- (c) Name, address and nationality of the alleged or suspected recruiter or trafficker;
- (d) Manner of committing the alleged recruitment or TIP;
- (e) Names and addresses of witnesses, if any; and
- (f) Social media identifiers, account names and other social media identifiers, account user details, as applicable.

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

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

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

Article 2

Law Enforcement Action on a Reported/Referred Case of Trafficking

Section 10. Action of law enforcement agencies on a reported case of TIP. Any law enforcement agency (LEA) *motu proprio* or within ten (10) days upon receipt of a report or a referral of a suspected TIP incident should gather the relevant information from the person who reported or the referring agency or organization such as, but not limited to, those enumerated in Section 9 herein.

The LEA shall initiate and enhance existing bilateral or multi-lateral agreements with other States, in coordination with DFA, to allow their foreign counterparts and/or foreign internet intermediaries to share with local authorities possible investigation data necessary for the case build up and/or prosecution of cases.

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

If it involves a minor, the presence of the parents, legal guardian or a registered and accredited social worker shall be mandatory. The conduct of the interview must be made in a child-friendly manner taking into the account the best interest of the child.

Section 12. *Conduct of further investigation or intelligence gathering.*

When the information provided is not enough to warrant the filing of a case or undertake the necessary law enforcement operation, the LEA shall conduct further investigation or intelligence gathering, including investigation on the assets and/or properties of traffickers.

Article 3

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

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

- (a) Rescue, protect and assist the trafficked person;
- (b) Arrest the suspects in the act of committing an offense;
- (c) Seize evidence, which may include objects or properties used in the commission of the offense, to support eventual prosecution of the suspects;
- (d) Conduct rescue of trafficked persons with the assistance of the Department of Social Welfare and Development (DSWD) or an accredited non-government organization (NGO) that services trafficked persons, whenever possible; and
- (e) Place the trafficked person in the temporary custody of the LSWDO, or any accredited or licensed shelter institution devoted to protecting trafficked persons after the rescue.

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

- (a) Carry-out a pro-active investigation, in accordance with the principles of victim-centered approach, i.e., conduct prior intelligence work and information gathering, to ensure that the law enforcement operation will eventually result in the successful prosecution of the case and the protection of trafficked persons.
- (b) Obtain a search warrant or other court orders unless the interest of time, safety of the trafficked persons and other analogous circumstances require otherwise.
- (c) Obtain a cybercrime warrant or other court orders necessary for the interception, preservation, and seizure of electronic evidence subject to the exemption under Section 8(b) of the Act.

- (d) Coordinate, when necessary, with other relevant agencies to facilitate the successful conduct of the operation.
- (e) Cordon off and secure the place where exploitation occurs or where the trafficked persons are found to ensure the integrity of the evidence until the investigation has been completed.
- (f) Inform the arrested person of the reason/s for the arrest and other rights prescribed under R.A No. 7438 (An Act Defining Certain Rights of Persons Arrested, Detained or Under Custodial Investigation as well as The Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties for Violations Thereof) or the Miranda Doctrine.
- (g) In case of warrantless arrest, the arresting officer shall strictly observe the *Rules on Warrantless Arrest* as prescribed under Section 5 of Rule 113 of the *Rules on Criminal Procedure*.

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

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

In case of unavailability of social workers from the DSWD, LSWDO or accredited NGO, the law enforcement team shall continue with the operation and ensure the presence of social workers immediately upon their availability.

Section 16. *Treatment of trafficked persons during a rescue operation.* The members of the rescue team shall ensure the full protection and respect of the rights of trafficked persons, including his/her right to privacy and confidentiality, during an operation. Immediately after the rescue, the team shall separate the trafficked persons from the suspected traffickers. The rescued trafficked persons shall be removed from the scene and immediately endorsed to the care and assistance of the social workers. The treatment of the rescued trafficked persons shall be in accordance with the existing referral mechanisms and protocol.

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

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

The LEAs, in coordination with the DSWD/LSWDO/accredited NGO, shall likewise provide transportation and security services to the rescued trafficked persons during inquest proceedings and preliminary investigation, when the need arises.

Section 18. *Temporary custody of trafficked persons.* Rescued trafficked persons, including victims of attempted TIP, shall be immediately placed in the temporary custody of the IACAT Tahanan ng Inyong Pag-Asa Center (TIP Center), DSWD, or LSWDO, registered social worker or any accredited or licensed shelter institution devoted to protecting trafficked persons. These service providers shall give the necessary assistance to the rescued trafficked persons and shall be responsible for their appearance during investigation and/or court hearings in coordination with LEAs.

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

The transcript and the copy of the audio or video interview conducted by the investigator and/or any registered and accredited social worker who are specially trained to conduct such interview, concerning the personal information of the trafficked persons and manner by which they were trafficked can be utilized as evidence before the office of the prosecutor and before the court, in lieu of a sworn statement. The interviewer and/or the person who recorded the

interview shall execute an affidavit stating as to the manner he/she conducted the interview and how the interview was recorded.

Section 20. Documentation and processing after the rescue operation.

The rescue team shall process and prepare the following:

- (a) For prosecutorial purposes, evidence such as, but not limited to, sworn statements of trafficked persons and witnesses, affidavit of arrest, when a suspected trafficker has been arrested, the pieces of evidence obtained from the crime scene, including electronic evidence; and copy of the video of the body worn camera or alternative recording device during the arrest operation pursuant to the *Rules on the Use of Body-Worn Cameras in the Execution of Warrants* (Administrative Matters No. 21-06-08-SC) of the Supreme Court.
- (b) For reportorial purposes, reports on the rescue operation, including the list of the rescued trafficked persons, their gender and ages and their profile shall be submitted to the IACAT Secretariat within fifteen (15) days from rescue operation. The Council shall prescribe the standard reporting template.

Article 4

Interception and Arrests at Airports and Seaports

Section 21. Who may intercept and arrest at ports. The interception of TIP incidents and arrest of traffickers at airports or seaports shall be the primary responsibility of the IACAT Task Force Against Trafficking referred to in Section 158 herein, if present, or by any LEA assigned thereat.

Section 22. Procedure in the physical interception, arrest and investigation of traffickers at airport or seaport. (a) When an offense punishable under the Act or any other offense in relation thereto, or in furtherance thereof, has been committed, or is actually being committed in the presence of any law enforcement officer (LEO) or member of the anti-trafficking task force, or an immigration officer assigned at the airport or seaport, such officer shall immediately cause the physical interception and/or arrest of the persons involved.

(b) The LEO responsible for the arrest of the alleged trafficker shall investigate the case. It shall execute the proper affidavit of arrest, gather and conduct an inventory of the evidence obtained from the person arrested, and take the statement of the trafficked persons or other witnesses. As soon as the documentation is completed, the complaint and supporting documents and evidence shall be endorsed to the prosecutor for inquest.

(c) The LEO shall take full custody over the person arrested including his/her appearance during the inquest proceeding.

(d) If the person intercepted is a convicted pedophile or registered sex offender, the immigration officers assigned thereat shall automatically implement the exclusion with a recommendation to the Office of the Commissioner for blacklisting.

In the instance of an arriving or departing alien that has a standing warrant of arrest issued by Philippine courts for sex-related crimes, the immigration officers shall endorse said alien to the proper LEA for appropriate disposition.

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

Article 5

Deferred Departure of Potential Trafficked Persons

Section 24. *Strict departure policy.* Strict departure policy shall be implemented primarily to avert a potential TIP situation and protect possible victims of TIP from exploitation. In no case shall said policy violate the right of persons to travel.

The Council's guidelines on departure formalities shall be observed at all times.

Section 25. *Deferred departure reporting mechanism.* The BI shall maintain a record of all the deferred departures in accordance with its rules and regulations. Such record shall be available in all international ports of entry and exit points.

Article 6

Financial Investigation and Asset Identification and Freezing

Section 26. *Investigation on the assets and/or properties of traffickers.* When a person is arrested/investigated in relation to a violation of the Act, a parallel investigation shall be conducted by the Philippine National Police (PNP), National Bureau of Investigation (NBI), Anti-Money Laundering Council (AMLC), or other agencies authorized by law in order to determine whether or not such assets are subject of the offense, proceeds or fruits of the offense, or were used in the commission of the offense. Such investigation shall include, but is not limited to:

- (a) Identifying and locating the property and/or asset;
- (b) Determining the owner or the person who has control over the property; or

- (c) Tracing other financial transactions and activities employed in connection with, or in furtherance of, any of the prohibited acts defined in the Act.

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

For this purpose, LEAs, if appropriate, shall access bank information and other financial information in accordance with the rules and regulations issued by the AMLC to implement Section 9(d) of the Act.

Section 27. Requesting freeze orders through the AMLC. LEA or the other agencies authorized by law may transmit such relevant information and/or evidence to the AMLC, which include, among others:

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

The AMLC shall file the petition for the issuance of a freeze order, in accordance with Section 10 of R.A. No. 9160 (Anti-Money Laundering Act of 2001, as amended), Rule 10 of its *2018 Implementing Rules and Regulations*, and the *Rules on Civil Forfeiture*.

Article 7

Blacklisting of Recruitment Agencies and Illegal Recruiters

Section 28. Inclusion in the blacklist. The blacklist of recruitment agencies, illegal recruiters and persons who are involved in TIP under the Department of Migrant Workers (DMW) shall include the following:

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

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

- (b) Any person or entity in the receiving country or in the Philippines identified, through a verified affidavit, by a trafficked person rescued by DFA or DMW.

Section 29. *Who may request for blacklisting; Requirements.* (a) Any member of the Council may request for the blacklisting of recruitment agencies, illegal recruiters and persons under Section 28(a) herein by attaching a copy of the complaint duly docketed by the court or body having jurisdiction over the case.

(b) The DFA or DMW may request for the blacklisting of recruitment agencies, illegal recruiters and persons under Section 28(b) herein by attaching the following:

- (1) a detailed report on the rescue operations; and
- (2) the verified affidavit of the rescued trafficked person attesting to the act/s of TIP of such recruitment agencies or illegal recruiters involved in the trafficking of the rescued trafficked person, naming and describing the involvement of such agencies or persons.

Section 30. *Posting and updating of the blacklist.* The DMW shall disseminate the blacklist to members of the Council and other concerned government agencies, with advice to post the same in conspicuous places of their respective offices, including their regional offices and in their official websites. The blacklist shall likewise be posted by the DMW in its own website and in the shared government information system, which is mandated to be established under R.A. No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995), as amended.

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

Section 31. *Suspension or cancellation of license.* In accordance with its rules, the DMW may issue an Order of Preventive Suspension or Order of Temporary Disqualification against blacklisted licensed recruitment or manning agencies, and its principals or employers.

The DMW shall impose appropriate penalties including cancellation of the license of the recruitment or manning agency and the perpetual disqualification of individuals or officers of a licensed recruitment or manning agency in accordance with its rules.

Section 32. *De-listing from the blacklist.* The blacklisted recruitment agencies or illegal recruiters may request for their de-listing by submitting an order of dismissal or final order or decision exonerating them from the charges of the court or body where the case was filed.

Recruitment agencies or illegal recruiters blacklisted under Section 28(b) herein may be de-listed pursuant to the rules of DMW.

Article 8 Application For Cybercrime Warrants

Section 33. *Application for cybercrime warrants.* In investigating violations of the Act committed by, through, or with the use of ICT, any LEO may apply for a cybercrime warrant and related orders involving the preservation, disclosure, interception, search, seizure, and/or examination, as well as the custody, and destruction of computer data subject of the investigation, pursuant to the *Rule on Cybercrime Warrants* (A.M. No. 17-11-03-SC).

Section 34. *Preservation of Computer Data; Period to preserve.* A LEO may request ISPs to keep, preserve, and maintain the integrity of the computer data subject of the investigation.

Subscriber information and traffic data's integrity shall be preserved by the ISP for a minimum of six (6) months from the date of transaction. Content data shall be preserved by the ISP for six (6) months from the date of receipt of the order from the LEOs requiring its preservation.

LEOs may order a one-time extension for another six (6) months. If the computer data preserved by the ISP is used as evidence in a case, the receipt of the ISP of a copy of the transmittal document to the Office of the Prosecutor shall be deemed a notification to further preserve the computer data until the final termination of the case and/or as ordered by the court as the case may be.

Section 35. *Types of cybercrime warrants.* The different types of cybercrime warrants under the *Rule on Cybercrime Warrants* include:

- (a) *Warrant to Disclose Computer Data (WDCD).* It is an order in writing issued in the name of the People of the Philippines, signed by a judge, upon application of LEOs, authorizing the latter to issue an order to disclose and accordingly, require any person or service provider to disclose or submit computer data in his/her possession or control.
- (b) *Warrant to Intercept Computer Data (WICD).* It is an order in writing issued in the name of the People of the Philippines, signed by a judge, upon application of LEO, authorizing the latter to carry out any or all of the following activities: (a) listening to, (b) recording, (c) monitoring, or (d) surveillance of the content of communications, including procuring of the content of computer data, either directly, through access and use of a computer system, or indirectly, through the use of electronic

eavesdropping or tapping devices, at the same time that the communication is occurring.

- (c) *Warrant to Search, Seize and Examine Computer Data (WSSECD)*. It is an order in writing issued in the name of the People of the Philippines, signed by a judge, upon application of LEO, authorizing the latter to search the particular place for items to be seized and/ or examined.
- (d) *Warrant to Examine Computer Data (WECD)*. Upon acquiring possession of a computer device or computer system *via* a lawful warrantless arrest, or by any other lawful method, LEOs shall first apply for a warrant before searching the said computer device or computer system for the purpose of obtaining for forensic examination the computer data contained therein.

Article 9

Intercepted Communications

Section 36. *Application for the interception of communications; Requirements.* Any LEO may apply for an order before the Regional Trial Court (RTC) to track, intercept, view, monitor, surveil, listen to, and record any communications, information or messages with the use of any mode, form, kind or type of intercepting devices mentioned in R.A. No. 4200 (An Act to Prohibit and Penalize Wire Tapping and Other Related Violations of the Privacy of Communication, and for Other Purposes).

The *ex parte* application, made under oath or affirmation, shall include the following information:

- (a) The identity, such as name and address, if known, of the charged or suspected person whose communications are to be intercepted. 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;
- (b) Identities of the intercepting LEOs, or identities of individuals or juridical persons who will assist the LEA in carrying out the interception;
- (c) The offense or offenses committed or being committed, or sought to be prevented;
- (d) That there are reasonable grounds to believe that any of the crimes enumerated under the Act has been committed, or is being committed, or is about to be committed;

- (e) 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
- (f) That there are no other means readily available for obtaining such evidence.

Section 37. *Effective period of order to intercept communications.* The order authorizing the interception of communications shall only be effective for the length of time as determined by the court, which shall not exceed thirty (30) days from its issuance. The LEO may request for the extension of the original period based on the following grounds:

- (a) Justifiable reasons;
- (b) Necessity in furtherance of the investigation; or
- (c) Public interest.

In case the original LEO is not available to file the application to extend or renew the order to intercept communications, any other member of the team, duly authorized by their superior officer, may file the application to extend or renew the order.

Section 38. *Exception from court order to intercept communications for child trafficking.* When the trafficked person 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 under the Act; *Provided*, That a LEO shall not be precluded from obtaining a WICD.

Section 39. *Duties of LEO.* The LEO shall have the following duties when intercepting communication, information or messages, and in the use, custody and disposition thereof under Section 8 of the Act:

- (a) *Filing of case; Notifying the authorizing court.* – The LEO shall have thirty (30) days after the termination of the period granted by the authorizing court within which to file the appropriate case before the public prosecutors offices for any violation of the 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 of the LEO to notify the authorizing court within the required period shall be penalized by 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) under Section 10 (h) of the Act.

- (b) *Turn-over of intercepted communications.* – All tapes, discs and recordings obtained pursuant to the Act, including all excerpts and

summaries thereof as well as all written notes or memoranda made in connection therewith, shall be turned-over to the authorizing court or its appointed custodian within the following applicable period:

- (1) Within forty-eight (48) hours after the expiration of the period fixed in the written order; or
- (2) Within forty-eight (48) hours after the expiration of any extension or renewal.

The intercepted communications as enumerated above shall be contained in a sealed envelope or package and 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 joint affidavit of the LEO and the individual team members shall state the following:

- (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;
- (4) The date of the original written authorization granted by the Department of Justice (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; and
- (5) That no unauthorized duplicates or copies of the whole or any part of any 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 within the authorizing division of the authorizing court.

Failure to comply with this duty shall be penalized by 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) under Section 10 (h) of the Act.

If the LEO omits or excludes from the joint affidavit any item or portion thereof mentioned therein the penalty shall be imprisonment of not less than six (6) years and one (1) day to twelve (12) years of imprisonment under Section 10 (h) of the Act.

- (c) *Maintain confidentiality of deposited materials.* – The LEO shall not open, reveal, divulge, and use the contents of the sealed envelope or package as evidence, which are classified information.
- (d) *Seek authority to copy computer data.* – The LEO shall seek authority from the authorizing court to 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 LEOs.

Section 40. Custody of digital devices, and digital forensic examination report. 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.

Section 41. Unauthorized act. It shall be unlawful for any person, LEO, or 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. It shall be unlawful to remove, delete, expunge, incinerate, shred or destroy in any manner the items enumerated above in whole or in part under any pretext whatsoever.

Failure to comply with this duty shall be penalized by imprisonment of not less than six (6) years and one (1) day to twelve (12) years of imprisonment under Section 10 (h) of the Act.

Section 42. Contempt. Failure to timely file the returns for any of the issued warrants as required under the *Rule on Cybercrime Warrant* or to duly turn-over to the court's custody any of the items disclosed, intercepted, searched, seized, and/or examined, shall subject the responsible LEOs to an action for contempt, which procedures shall be governed by Rule 71 of the *Rules of Civil Procedure*, insofar as they are applicable.

Section 43. Non liability under R.A. No. 4200. In investigating violations of the 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 the Act, shall not be considered as

wiretapping or illegal interception. LEOs shall not be liable under the provisions of R.A. No. 4200.

Section 44. Confidentiality of deposited material. The sealed envelope or package and the contents thereof, which are deposited with the authorizing court, and considered classified information, shall not be opened. Its contents, including the tapes, discs, and 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.

Section 45. Application to open deposited materials; Contents of application. The DOJ or handling prosecutor 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:

- (a) For opening the sealed envelope or package;
- (b) For revealing or disclosing its classified contents;
- (c) 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
- (d) 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.

Section 46. 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 the 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.

**RULE III
RESCUE, RECOVERY AND REPATRIATION
OF FILIPINO NATIONALS WHO ARE VICTIMS
OF INTERNATIONAL TRAFFICKING**

**Article 1
Rescue and Recovery**

Section 47. *The One Country-Team Approach.* The One Country-Team Approach (OCTA) under Executive Order No. 74, series of 1993, and as further enunciated in R.A. No. 8042, as amended, shall be the operational scheme under which FSPs shall provide protection to trafficked persons regardless of their immigration status. Under the OCTA, all officers, representatives and personnel of the Philippine government posted abroad, regardless of their mother agencies, shall act as a one-country team under the leadership of the Ambassador or the head of mission.

Section 48. *Action on a report of international TIP.* When a report of a TIP incident is received, the FSPs or the MWO which has jurisdiction over the place where the victim is believed to have been trafficked or located shall, in coordination with the authorities of the host government, ascertain the veracity of the report and inquire about the condition of the trafficked person. If the location of a trafficked person is unknown, the FSPs or the MWO shall take the necessary steps to verify and ascertain the location of the trafficked person. The FSPs shall also request such authorities to allow the access of consular officers to Filipino nationals in accordance with the Vienna Convention on Consular Relations, and the laws and regulations of the host country.

Section 49. *Special mission team.* The Council, in emergency and other similar cases, may dispatch an inter-agency team abroad to assess the situation of trafficked persons, gather information from key individuals and entities, for the purpose of strengthening prosecution of cases in the Philippines, or to coordinate the rescue of trafficked persons.

The special mission team may be dispatched only upon the issuance of a mission order by the Secretary of Justice, in consultation and close coordination with the Secretary of Foreign Affairs, defining therein the specific objectives of the mission and outlining the parameters of the team's actions in the host country. The mission shall be conducted in accordance with existing applicable treaties and/or subject to the laws, rules and regulations of the host country. After each mission, the team shall submit a written report to the Secretary of Justice, copy furnished the Secretary of Foreign Affairs.

Section 50. *Rescue at the country of destination.* (a) All rescue operations shall be made through, or coordinated with the concerned police, anti-trafficking in persons committee and other authorities of the host country.

(b) In no case shall any Philippine government official conduct or participate in a rescue operation abroad without prior notice to the Ambassador or head of mission. Government officials involved in any rescue operations abroad must provide the Ambassador or the head of mission with timely and accurate information, especially after such operations.

(c) In countries where the foreign government requires Filipino trafficked persons to remain in their custody, the Ambassador or his duly authorized

representative shall make the necessary representation to the host country to secure custody of the trafficked persons, or at the very least, to ensure that the trafficked persons are given access to consular officers as provided under the Vienna Convention on Consular Relations.

Section 51. Focal Person for TIP. The FSPs or the MWO shall assign a Foreign Service Officer (FSO) to be its focal person for TIP. The said officer shall seek and maintain access and communication with Filipino trafficked persons subject of rescue operations, in accordance with the Vienna Convention on Consular Relations, and other existing diplomatic and consular norms and practices. The focal person shall also report to the Ambassador or head of mission particularly on whether the rights and best interests of the trafficked persons are protected and prioritized.

Section 52. Notice to Next of Kin. When the focal person for TIP deems it necessary, especially if the trafficked persons consented and it would be beneficial for their recovery, he/she will communicate with the latter's next of kin (NOK). If the NOK or family members of the trafficked persons in the Philippines receive threats, reprisals or intimidation, the focal person will coordinate with the appropriate LEA in the Philippines for further investigation and protection.

Section 53. Post-rescue services and assistance. In countries or areas where the services of the Migrant Workers Resource Center (MWRC) are not accessible, the FSPs or the MWO shall extend off-site services to trafficked persons regardless of their status in the host country, such as, but not limited to the following:

- (a) Counseling;
- (b) Temporary Shelter;
- (c) Medical Services;
- (d) Hospital Visitation;
- (e) Reintegration Services;
- (f) Repatriation Services;
- (g) Legal Services to include provision of lawyers/counsel, jail visitation, provision of legal advice and attendance to court hearings, insurance claims, and compensation claims.

Article 2

Filing of TIP cases at destination country

Section 54. Taking of sworn statement on-site. The FSPs or the MWO shall take the statement, through the IACAT intake form, of the trafficked person, recounting among others, the people/establishment involved in the recruitment, transfer and deployment, the modus operandi employed to recruit, transport and deploy the trafficked person, and other pertinent information which could provide a lead in the investigation and eventual prosecution of the perpetrators. The statement shall be sworn to before authorized officials of the

FSPs or the MWO, *Provided, That*, the statement and other such matters relating to the investigation must be done consistent with full respect to the rights and dignity of trafficked persons, and must not impede the immediate assistance and delivery of mandatory services to them.

Section 55. *Filing of cases in destination country.* The FSPs or the MWO shall extend all possible assistance, including free legal assistance, to a trafficked person who wishes or opts to file the case in the host country or in the country where he/she is found and where the laws of the country allow the prosecution of a TIP offense or a related or similar offense.

Section 56. *Access to the Legal Assistance Fund.* Trafficked persons overseas may avail of the Legal Assistance Fund created by R.A. No. 8042, as amended, and *Agarang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund* under R.A. No. 11641 (Department of Migrant Workers Act), subject to the guidelines as provided by law as to its use and disbursement.

Article 3 Repatriation

Section 57. *Repatriation of trafficked persons.* The DFA and DMW, in coordination with the other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked persons.

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

Section 58. *Repatriation costs.* In accordance with existing rules and regulations on the use and disbursement of Assistance-to-Nationals (ATN) Fund of DFA and the AKSYON fund of DMW for the repatriation of trafficked persons, the FSPs shall immediately request the DFA or DMW for allocation of funds for the repatriation of the trafficked persons.

Section 59. *Issuance of travel document.* In case the passport of the trafficked person is lost or confiscated by the traffickers or employers abroad and cannot be retrieved, the FSP shall issue a travel document to facilitate exit from the host country and entry into the Philippines.

Section 60. *Notice of repatriation.* The FSPs or the MWO concerned shall report to the DFA or DMW, the actual date of repatriation and other pertinent information. The DFA or DMW shall refer the arrival of the trafficked persons to the IACAT Task Force Against Trafficking at the point of entry for arrival assistance and the provision of appropriate services, including referrals in accordance with the National Referral System.

Section 61. *Repatriation of trafficked persons with special conditions.* In appropriate cases, especially when the trafficked person is psychologically challenged, has suffered physical or sexual abuse, or has received serious threats to his/her life and safety, the trafficked person will be met upon arrival in the Philippines by DSWD personnel, in coordination with the IACAT Task Force Against Trafficking and other government agencies such as Overseas Workers Welfare Administration (OWWA), BI and Department of Health (DOH). Where necessary, the FSPs or the MWO shall designate a duly authorized individual to escort said trafficked persons to the Philippines.

Section 62. *Executing a sworn statement against trafficker.* The trafficked person will be encouraged to execute a sworn statement, if he/she has not done so before, with the view of filing the appropriate charges against the trafficker. The IACAT Task Force Against Trafficking shall interview the trafficked person and make recommendation for investigation and filing of appropriate cases. In cases where licensed recruitment agencies are involved or those whose licenses have been cancelled or suspended, the case shall also be referred to the DMW for the institution of administrative proceedings or criminal action, as the case may be.

Section 63. *Linkages with other non-state actors.* The FSPs, MWOs and other attached agencies posted abroad shall establish partnerships with civil society groups, Filipino communities, and NGOs in the host country to mobilize support for the rescue, protection, and delivery of services to trafficked persons.

Section 64. *Documentation and referrals.* All FSPs, including MWO, welfare officers and other officials, extending assistance to trafficked persons, shall document and track the delivery of service and referrals of the rescued trafficked person.

The concerned agencies such as DFA, DSWD and DMW shall issue corresponding directives to ensure uniform compliance with documentation and referral standards of the Council.

RULE IV EXTRA-TERRITORIALITY AND INTERNATIONAL LEGAL COOPERATION

Article 1 Extra-territoriality Principle

Section 65. *Extra-territorial jurisdiction; Requirements.* The Philippines may exercise jurisdiction over any act defined and penalized under the Act, even if committed outside its territory and whether or not such act or acts constitute an offense at the place of commission, if the offense, being a continuing offense, was commenced in the Philippines.

The Philippines may also exercise jurisdiction over any act defined and penalized under the Act if committed in another country, *Provided*, That the suspect or accused:

- (a) is a Filipino citizen;
- (b) is a permanent resident of the Philippines; or
- (c) has committed the act against a citizen of the Philippines.

Section 66. *Prohibition.* No prosecution may be commenced against a person under the Act if a foreign government, in accordance with jurisdiction recognized by the Philippines, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Secretary of Justice.

Article 2

Extradition of an Accused or Convicted Person for a TIP Offense

Section 67. *Extradition.* The extradition of an accused or a convicted person for a TIP offense punishable under the Act shall be pursued in accordance with the provisions of Presidential Decree (P.D.) No. 1069 (Philippine Extradition Law) and the applicable extradition treaty. Such person may only be extradited from a country which the Philippines has an extradition treaty, or a state party to a multilateral treaty in which the Philippines is also a state party, or as may hereafter be allowed by law.

Section 68. *Who may request extradition and where the request should be made.* A LEA, prosecution office or any interested party seeking to extradite a person accused or convicted for violation of the Act, including those covered by the application of the extra-territoriality principle, may request the extradition of such person through the Legal Staff (Office of the Chief State Counsel) of the DOJ.

Section 69. *Request; form and content.* The request for extradition to the DOJ shall be in writing, signed by the head of the requesting agency or by the interested party, supported by relevant documentary evidence, and as much as possible state therein the following information:

- (a) The fullest particulars as to the identity, nationality and location, if known, of the accused or convicted person;
- (b) Statement of facts of the offense for which extradition is requested;
- (c) Description of the acts or omissions constituting the alleged offense, including an indication of the time and place of the commission of these acts;

- (d) Text of the relevant provisions of the law describing the essential elements of the offense, prescribed penalty and any time limit on the prosecution or execution of punishment of the offense; and
- (e) Such other documents or information that the DOJ may require pursuant to the extradition law and applicable treaties.

Article 3

Requests for Mutual Legal Assistance in Criminal Matters

Section 70. *Legal assistance from a foreign state.* In the investigation or prosecution of the offenses defined under the Act, including those covered by the application of the extra-territoriality principle, a request for legal assistance may be made with a foreign State on the basis of law, treaty or reciprocity. Such assistance may include:

- (a) taking of evidence or obtaining statements from persons;
- (b) making arrangements for persons to give evidence or facilitating the personal appearance of witnesses;
- (c) locating or identifying witnesses and suspects;
- (d) effecting the temporary transfer of persons deprived of liberty to appear as witnesses;
- (e) effecting service of judicial documents;
- (f) examining objects and sites;
- (g) providing or receiving information, original or certified true copies of relevant documents, evidentiary items and expert evaluations;
- (h) executing searches and seizures;
- (i) identifying or tracing proceeds of crime or property;
- (j) freezing, recovery, forfeiture or confiscation of property or instrumentality used in the commission of a crime in accordance with related laws, rules and regulations;
- (k) restraining of dealings in property or the freezing of property, proceeds or instrumentalities derived from the commission of an offense that may be recovered, forfeited or confiscated; or
- (l) any other type of assistance consistent with the objectives of the Act and not contrary to Philippine laws, rules and regulations.

Section 71. Request; where to be made. Any LEA or prosecution office desiring to seek the assistance of a foreign state regarding the investigation or prosecution of an offense under the Act may submit the request through the Legal Staff (Office of the Chief State Counsel) of the DOJ which shall, in turn, make the formal request pursuant to the law or applicable treaty, or on the basis of reciprocity. The request shall specifically detail the assistance to be requested.

Section 72. Execution of requests for assistance; Limitations. A request for assistance shall be executed in accordance with Philippine laws. Where the request for assistance is made pursuant to a treaty, the provisions of the treaty shall be considered in the execution of the request.

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

Article 4 Deportation, Forced Removal or Return

Section 73. Request for deportation, forced removal or return. The Philippines may request for the deportation, forced removal or return to the country of any Filipino citizen or a permanent resident of the Philippines who is convicted, charged or facing prosecution for a TIP offense under the Act when the subject is in hiding, residing or in a temporary sojourn in the territory of another country.

RULE V PROSECUTION

Article 1 Filing of Cases

Section 74. Who may file a complaint. Complaints for violations of the Act may be filed by the following:

- (a) Any person, including a LEO, social worker, or representative of a licensed child-caring institution, who has personal knowledge of the commission of the offense;
- (b) The trafficked person;
- (c) Parents or legal guardians;
- (d) Spouse;
- (e) Siblings;
- (f) Children; or
- (g) At least three (3) concerned citizens who have personal knowledge of the violation and where the violation occurred.

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

A person who has personal knowledge of the commission of the offense may initiate a criminal complaint for violation of the Act by executing his/her own affidavit or sworn statement.

Section 75. *Where to file complaint.* A complaint for violation of the 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. For purposes of inquest or preliminary investigation, the complaint may be filed with the DOJ – Office of the Secretary of Justice Prosecution Staff (OSJPS), or Provincial/City Prosecution Office where the offense or any of its elements has been committed, is being committed, or is about to be committed.

Section 76. *Commencement of the inquest proceedings.* Where a person is lawfully arrested without a warrant, the complainant or arresting officer shall file a complaint with the DOJ or any local prosecution office.

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

- (a) The affidavit of arrest duly subscribed and sworn to before him/her by the arresting officer;
- (b) The investigation report;
- (c) The sworn statements of the complainant/s and witness/es;
- (d) Other supporting pieces of evidence gathered by the LEOs in the course of their investigation of the criminal incident involving the arrested or detained person; and
- (e) Copy of the video from the body-worn camera or any video that would show how the respondent was arrested pursuant to the *SC Rule on Body-Worn Cameras*.

Section 77. *Commencement of preliminary investigation.* A preliminary investigation proceeding is commenced:

- (a) By the filing of a complaint directly with the DOJ or any local prosecution office;
- (b) By referral from or upon request of the LEA that investigated the incident involving any offense under the Act;
- (c) Upon request of a person arrested or detained pursuant to an arrest without warrant who executes a waiver in accordance with the provisions of Article 125 of the Revised Penal Code (RPC);

- (d) By an order or upon the directive of the court or other competent authority; or
- (e) Upon the initiative of the Council.

Section 78. *Preferential attention to cases of TIP.* All cases of TIP shall be given preferential attention and should, therefore, be investigated and resolved within the periods indicated in the *Revised Rules on Criminal Procedures*.

Section 79. *Prescriptive Period.* TIP cases under the Act shall prescribe in ten (10) years: *Provided, however,* That TIP cases committed by a syndicate or in a large scale as defined in the Act or against a child, shall prescribe in twenty (20) years.

The prescriptive period shall commence to run from the day on which the trafficked person is delivered or released from the conditions of bondage, or in the case of a trafficked child, from the day the child reaches the age of majority, *Provided,* That in case of trafficked overseas domestic household workers, the age of majority shall be twenty-four (24) years old.

The period shall be interrupted by the filing of the complaint or information and shall commence to run again when the proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused.

Section 80. *Institution of civil action.* Pursuant to the *Revised Rules on Criminal Procedure*, when a criminal action is instituted, the civil action arising from the offense charged shall be deemed instituted with the criminal action unless the trafficked person waives the civil action, reserves the right to institute it separately or institutes the civil action prior to the criminal action.

Section 81. *Filing fees for separate civil action.* When the trafficked person institutes a separate civil action for the recovery of civil damages, he/she shall be exempt from the payment of filing fees.

Section 82. *Venue.* The offenses punishable under the Act shall be considered as a continuing offense and may be filed in Court in the place where the offense was committed, or where any of its elements occurred, or where the trafficked person actually resides at the time of the commission of the offense. The court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Cases involving TIP shall be heard in the chamber of the RTC duly designated as Family Courts.

Section 83. *Speedy disposition of TIP cases.* Where practicable and unless special circumstance require otherwise, the procedures under SC Circular No. 38-98 implementing the *Speedy Trial Act and the Revised Guidelines for*

Continuous Trial (A.M. No. 15-06-10-SC) may apply in cases involving the trial of TIP cases for offenses under the Act.

Pursuant to *Office of the Court Administrator (OCA) No. 151-2010* cases involving violation of R.A. No. 9208 shall be heard continuously with hearing dates spaced not more than two weeks apart.

Article 2 Prosecution of TIP Cases

Section 84. *Designation of Prosecutors.* The Secretary of Justice shall designate prosecutors who shall investigate and prosecute TIP cases in all prosecution offices in the country.

Section 85. *Deputation of private prosecutors.* Subject to the approval of the court, a private prosecutor may be authorized in writing by the Prosecutor General, or the head of the local prosecution office where the public prosecutor is assigned or appearing in the family court to prosecute the case. Once so authorized, the private prosecutor shall continue to prosecute the case up to the end of the trial unless the authority is revoked or otherwise withdrawn.

The private prosecutor shall prosecute the case under the control and supervision of the public prosecutor assigned or appearing in the Family Court where the case has been raffled.

Section 86. *Cooperation with DMW in the prosecution of TIP and illegal recruitment cases.* Pursuant to R.A. No. 8042, as amended by R.A. No. 10022 (Migrant Workers and Overseas Filipinos Act of 1995), the DOJ prosecutors shall collaborate with the Migrant Workers Protection Bureau of the DMW in the prosecution of cases involving both illegal recruitment and TIP committed in the guise of, or under the pretext of overseas employment.

Article 3 Prohibitions during Investigation and Prosecution

Section 87. *Non-dismissal of TIP cases on the basis of an affidavit of desistance.* Cases involving TIP should not be dismissed based on the affidavit of desistance executed by the trafficked persons or their parents or legal guardians. Public and private prosecutors are directed to oppose and manifest objections to motions for dismissal.

Section 88. *Prohibition against influencing complainant to execute affidavit of desistance.* It shall be prohibited for any person to perform an act involving the means provided in the Act or any attempt thereof for the purpose of securing an Affidavit of Desistance from the complainant.

Section 89. *Prohibition against urging complainant to abandon legal action.* It shall be prohibited for the DFA, the Department of Labor and

Employment (DOLE), and the DMW officials, LEOs, prosecutors and judges to urge complainants to abandon their criminal, civil and administrative complaints for TIP.

Section 90. *Violation of Sections 88 and 89.* The acts under Sections 88 and 89 herein which refers to Section 8(j) of the Act, as amended, shall be considered as acts that promote TIP under Sections 5(h) or 5(j) of the Act and shall be punished in accordance with the penalty prescribed for such violation.

Article 4 Civil Forfeiture Proceedings

Section 91. *Provisional remedies under the Rules on Civil Forfeiture.* Subject to the *Rules on Civil Forfeiture*, Rule 10 and Rule 12 of the *2018 Implementing Rules and Regulations of R.A. No. 9160, as amended*, when probable cause exists that a monetary instrument or property is related to an activity involving any of the prohibited acts defined in the Act, the Council or the handling public or private prosecutor, social worker, or representative of child-care institution, may request the assistance of the AMLC in filing:

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

Section 92. *Effect of provisional asset preservation order.* In accordance with the *Rules on Civil Forfeiture*, the provisional asset preservation order shall forbid any transaction, withdrawal, deposit, transfer, removal, conversion, concealment or other disposition of the subject monetary instrument, property, or proceeds.

Article 5 Asset Forfeiture based on Conviction in a Criminal Action

Section 93. *Forfeiture of the Proceeds and Instruments Derived from TIP.* The prosecution may pursue criminal forfeiture by an allegation in the criminal information that it will institute a case against the subject of the offense, the proceeds or the fruits of the offense, or any property used as the means of committing an offense.

- (a) The *Rule on Asset Preservation, Seizure, and Forfeiture in Criminal Cases under R.A. No. 9160, as amended* (A.M. No. 21-03-13-SC), shall govern the procedure in the criminal forfeiture of monetary instruments or properties related to violations of Sections 4 to 6 of the Act.

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

Article 6

Confidentiality of all Proceedings

Section 94. Confidentiality. At any stage of the investigation, rescue, prosecution and trial of an offense under this Act, LEOs, prosecutors, judges, court personnel, social workers and medical practitioners, as well as parties to the case, shall protect the right to privacy of the trafficked person.

The name and personal circumstances of the trafficked person or any other information tending to establish the identity of the trafficked person or his/her family, which may include the identity of the suspect, shall not be disclosed to the public.

Section 95. Duties of Officers. LEOs, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial.

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

RULE VI

VICTIM PROTECTION AND ASSISTANCE

Article 1

Overall Policy

Section 96. Overall policy on victim protection and assistance. Measures shall be established to ensure that trafficked persons are protected from further exploitation and harm, and shall have access to adequate physical and psychosocial care. Responsible agencies shall ensure that protection and assistance services to trafficked persons are provided in a child- and gender-sensitive manner.

Section 97. Immediate Protection of Trafficked Persons. Trafficked persons of all ages shall be entitled to immediate temporary protective shelter from the

DSWD: *Provided*, That if the trafficked person is located outside the Philippines, the relevant FSPs or MWO shall provide the same; *Provided further*, That a LEO, on a reasonable suspicion that a person is a trafficked person shall immediately place that person in the temporary custody of the LSWDO or any accredited licensed shelter institution devoted to protecting trafficked persons after the rescue.

Trafficked children shall immediately be placed under the protective custody of the DSWD, pursuant to R.A. No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act).

Article 2

Legal Protection for Trafficked Persons

Section 98. *Non-liability of Trafficked Persons.* The consent of the trafficked person to the intended exploitation is irrelevant. Trafficked persons shall not be penalized for unlawful acts committed as a direct result of, or as an incident or in relation to, being trafficked, or in obedience to the order made by the trafficker in relation to said acts.

Section 99. *Repeal of Article 202 of the RPC.* Section 21 of the Act repealed Article 202 of the RPC, as amended by R.A. No. 10158 (An Act Decriminalizing Vagrancy, Amending for This Purpose, Article 202 of Act No. 3815); accordingly, trafficked persons shall no longer be prosecuted, fined or penalized for prostitution and vagrancy.

Section 100. *No liability for Wiretapping and/or illegal interception.* Trafficked persons, of whatever age, shall not be liable under the provisions of R.A. No. 4200 or R.A. No. 10175, (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.

Section 101. *Right to Privacy.* (a) The name and personal circumstances of a trafficked person or any other information tending to establish their identity and their families shall not be disclosed to the public.

(b) All records and proceedings under this Act, from the initial contact until the final disposition of the case, shall be considered privileged and confidential.

Section 102. *Prohibition against victim-blaming.* Persons, officials, officers, agencies or organizations 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 trafficked person.

Section 103. *Irrelevance of past sexual behavior.* The past sexual behavior or the sexual predisposition of a trafficked person shall be considered inadmissible in evidence for the purpose of proving consent of the trafficked

person to engage in sexual behavior, or to prove the predisposition, sexual or otherwise, of a trafficked person.

Article 3 Witness Protection

Section 104. *Preferential Entitlement under the Witness Protection Security and Benefits Program (WPSBP).* Trafficked persons and their family members shall be entitled to protection as well as preferential entitlement to the rights and benefits of witnesses under R.A. No. 6981 (Witness Protection, Security and Benefit Act), *Provided,* That the trafficked person or family member possess all the qualifications and none of the disqualifications under the said law.

Section 105. *Application for coverage.* The LEO, service provider handling the case of a trafficked person, the trafficked person, a witness, or a family member of the trafficked person or witness, may file an application for coverage at the WPSBP Secretariat at the DOJ Office in Manila or the nearest local prosecution office through the handling prosecutor.

The handling prosecutor shall endorse the application to the WPSBP Secretariat, stating therein the urgency or necessity of such coverage.

Article 4 Compensation for Trafficked Persons

Section 106. *Compensation for Trafficked Persons under R.A. No. 7309.* A trafficked person shall also be considered as a victim of a violent crime as defined under Section 3 (d) of R.A. No. 7309 (An Act Creating a Board of Claims Under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victim of Violent Crimes and for Other Purposes), so that the trafficked person may claim compensation therein.

Article 5 Protection of Trafficked Persons who are Foreign Nationals

Section 107. *Legal Protection of trafficked persons who are foreign nationals.* Trafficked person in the Philippines who are nationals of a foreign country shall be entitled to appropriate protection, assistance and services available to trafficked person and shall be allowed continued presence in the Philippines for a period of fifty-nine (59) days to enable them to effect the prosecution of the offenders. Such period may be renewed upon showing of proof by the trial prosecutor that their further testimony is essential to the prosecution of the case. The trial prosecutor shall course the request for extension to the Council, which shall accordingly act upon the same. If such request is granted, the registration and immigration fees of such foreign

nationals shall be waived. The Council, for this purpose, shall develop additional guidelines to implement this provision.

Section 108. *Trafficked persons who are asylum seekers and refugees.*

Disclosure of personal data of foreign nationals who are trafficked persons in the Philippines and have a pending asylum application with, or have been recognized as refugees by, the DOJ-Refugees and Stateless Persons Protection Unit (RSPPU) should only be done with the trafficked person's freely given, informed, and written or recorded consent. In cases when consent is not required or when disclosure is necessary to prevent serious, foreseeable, and imminent harm to trafficked person or to another person, disclosure shall be made only in accordance with the exception under Section 13 of R.A. No. 10173 (Data Privacy Act of 2012).

Article 6

Free Legal Assistance and Counsel

Section 109. *Free legal services.* Trafficked persons shall be provided with free legal services which shall include information about their rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person.

Section 110. *Establishment of free legal assistance mechanism.* The DOJ shall establish a mechanism for free legal assistance for trafficked persons, in coordination with DSWD. It shall endeavor to enter into a Memorandum of Agreement (MOA) with the Integrated Bar of the Philippines (IBP) as well as with NGOS and volunteer legal groups for the provision of legal assistance to trafficked persons. The DOJ or the Council shall conduct a training program for the IBP and volunteer groups on assistance and protection of trafficked persons and the Act.

Section 111. *Free legal assistance for Filipino trafficked persons of international TIP.* The DFA shall provide free legal assistance and counsel to Filipinos trafficked overseas in order to pursue legal action against the traffickers, represent their interests in any criminal investigation or prosecution, and assist in the application for social benefits and/or regular immigration status as may be allowed by the host country.

Such free legal assistance shall be funded through the Legal Assistance Fund (LAF) established under R.A. No. 8042, as amended.

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

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

Article 7 Mandatory Services

Section 112. *Information on available programs and services.* All service providers shall immediately provide information to trafficked persons about their rights, the nature of protection and available assistance and support. Such information shall be provided in a language that the trafficked persons understand.

When the trafficked person is a child, interviews, examination and other forms of investigation shall be conducted by specially trained professionals in a suitable environment and in a language that the child uses and understands. In all stages of the proceedings, all officials involved shall ensure that the best interests of the child are upheld and protected.

As much as possible, to avoid repetitive interviews which may cause the re-traumatization of trafficked persons, interviews of trafficked children shall be recorded pursuant to the requirements under the *Rule on Examination of Child Witness* (A.M. NO. 004-07-SC).

Section 113. *Mandatory Services to Trafficked Persons.* To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies shall make available the following services to trafficked persons:

- (a) Temporary shelter or appropriate housing. – The government shall ensure that trafficked persons shall have access to temporary shelter. The DSWD and LGUs shall provide temporary shelter to trafficked persons through the TIP Center or in any DSWD shelters or DSWD–accredited shelters. The MWO shall provide temporary shelter to trafficked persons located abroad.
- (b) Counseling. – The DSWD and LGUs shall ensure that trafficked persons are provided with appropriate counseling services. The DOH shall also provide the necessary assistance to trafficked persons to promote their mental health by improving access to quality care and hasten their recovery to participate fully in society.
- (c) Free legal services. – Trafficked persons shall be informed of their rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by them.

- (d) Medical or psychological services. – Trafficked persons needing medical and psychological or psychiatric services, particularly those who are assessed to be suffering from or may be vulnerable to psychological injury, shall be referred to appropriate agencies or institutions for such services. The DOH shall make available its resources and facilities in providing health care to trafficked persons which shall, at all times be held confidential.
- (e) Livelihood and skills training. – The DOLE, DSWD, Technical Education and Skills Development Authority (TESDA), National Reintegration Center for OFWs (NRCO), LGUs, and other government agencies shall facilitate and create access to livelihood, skills training and sustainable employment for trafficked persons and their families.
- (f) Educational assistance to a trafficked child. – Department of Education (DepEd) shall provide opportunities for trafficked persons in the educational mainstream through the basic education and non-formal education curricula.

Article 8

Recovery, Rehabilitation and Reintegration Programs

Section 114. Comprehensive Healing, Recovery, Rehabilitation and Reintegration Program. (a) The DSWD, LGUs, NGOs and other concerned agencies shall develop and implement a comprehensive, child-friendly and gender-responsive program for the recovery, rehabilitation and reintegration of trafficked persons, such as educational assistance to trafficked person and their immediate family; support for trafficked persons as witnesses; transportation assistance; financial assistance for employment; and financial assistance for livelihood.

(b) The active involvement and participation of trafficked persons in the rehabilitation and reintegration process shall be encouraged. In order to empower them and to prevent their re-victimization, capability building programs must be provided.

(c) The active cooperation and coordination with NGOs and other members of the civil society, including the business community, tourism-related industries, or media in the rehabilitation and reintegration of trafficked persons shall be undertaken.

(d) 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 LSWDOs.

Section 115. Case management procedures. All service providers shall be guided by a case management manual for trafficked persons developed by DSWD.

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

- (a) The trafficked person may go or be brought to the nearest DSWD, LSWDO or accredited NGO for assistance;
- (b) The DSWD, LSWDO or accredited NGO social worker shall conduct an assessment of the psychosocial condition of the trafficked person. Thereafter, an intake interview and initial assessment shall be conducted utilizing a child- or gender-sensitive and trauma-informed interview method to determine the appropriate intervention. On the basis of such assessment, a responsive action through planning and intervention plan shall be prepared;
- (c) The DSWD, LSWDO or accredited NGO social worker shall, when necessary, admit the trafficked person to a residential facility for temporary shelter. Upon admission, the head of the center or facility shall immediately inform the local social worker from the trafficked person's origin or place of residence and invite said social worker to the admission conference in order to facilitate the future reintegration process;
- (d) Provide comprehensive services or interventions based on the rehabilitation plan, in coordination with appropriate agencies, including temporary shelter, medical assistance, counseling, psychological services, legal, educational assistance, transportation assistance, livelihood and skills training, after-care services, and other appropriate services. The DSWD, LSWDO or accredited NGO social workers shall also monitor implementation and periodically evaluate or update the rehabilitation plan until the trafficked person has been reintegrated with their family and community.

Section 116. Case documentation and referrals. All DSWD, LSWDO or accredited NGO case managers or social workers shall use the National Recovery and Reintegration Database (NRRD) for documenting and tracking delivery of services to trafficked persons and the National Referral System (NRS) in facilitating and documenting referrals.

Section 117. Continuing capability building of service providers. (a) The frontline agencies and the service providers, including LEAs, social workers, ATN at FSPs, police and other relevant attachés, OWWA welfare officers, Commission on Filipinos Overseas (CFO) case officers, medical practitioners, must undergo training and other capability building activities to enhance their

knowledge and skills in child and gender-sensitive and trauma-informed handling of TIP cases to prevent further traumatic stress and facilitate more effective crisis interventions, recovery and reintegration services.

(b) The DSWD shall likewise implement training programs for the utilization of the NRRD and NRS, trauma-informed care and gender-responsive case management by case managers and social workers, in coordination with RRPTP focal, LGUs and NGOs.

(c) DFA-foreign service institute shall integrate a module on management of TIP cases in the pre-departure orientation seminar for all deployable personnel including all relevant attachés.

Section 118. *Documentation of good practices.* The DSWD shall conduct data banking, research and documentation of good practices in rehabilitation and reintegration programs. It shall identify efficient and effective measures and services for the trafficked persons and their families. For this purpose, the DSWD shall convene a periodic program review and sharing sessions.

Section 119. *Accreditation of residential facilities and recovery and reintegration program standards.* The DSWD shall develop and/or continually evaluate accreditation and recovery and reintegration program standards for residential facilities catering to trafficked persons. It shall provide technical assistance to LGUs and NGOs with such facilities and programs to ensure compliance with standards.

Section 120. *Harmonization of reintegration programs.* The DSWD, DOLE, DILG, OWWA, DMW-NRCO, TESDA, LGUs and NGOs shall harmonize their respective reintegration programs for trafficked persons.

RULE VII PROTECTION FOR SERVICE PROVIDERS

Section. 121. *Immunity from suit, prohibited acts and injunctive remedies.* No action or suit shall be brought, instituted or maintained in any court or tribunal or before any other authority against any: (a) law enforcement officer; (b) social worker; or (c) person acting in compliance with a lawful order from any of the above, for lawful acts done or statements made during an authorized rescue operation, recovery or rehabilitation/intervention, or an investigation or prosecution of a TIP case; *Provided*, That such acts shall have been made in good faith.

Whenever a complaint is brought against any of the officers mentioned above the resolving investigator shall promptly resolve the complaint.

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 P.D. No. 603 (Child and Youth Welfare Code).

Section 122. *Social protection.* Agency heads shall take all possible measures to ensure protection including but not limited to hazard pay, insurance, psychosocial services, psychological services and/or counseling for job-related stress and secondary trauma and safety of service providers in the performance of their duties under the Act and these rules and regulations.

Section 123. *Duty to disclose and act on threat against service providers.* Service providers shall report to their superior, LEAs and other appropriate units any threat, harassment, or any form of danger that they may encounter in the course of the performance of duties.

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

RULE VIII IMPLEMENTATION MECHANISMS

Article 1 The Inter-Agency Council Against Trafficking

Section 124. *IACAT and its Composition.* The Council shall be the primary body responsible for coordinating, monitoring and overseeing the implementation of the Act. It shall be chaired by the Secretary of Justice and co-chaired by the Secretary of Social Welfare and Development. It shall have the following as members:

- (a) Secretary, Department of Foreign Affairs;
- (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 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) Chief, Philippine National Police;
- (m) Commandant, Philippine Coast Guard;
- (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 for Transnational Crimes;

- (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) President of the League Provinces of the Philippines;
- (w) President of the League Municipalities of the Philippines;
- (x) President of the League Cities of the Philippines;
- (y) One (1) representative from an NGO representing the women sector;
- (z) One (1) representative from an NGO representing the overseas Filipinos sector; and
- (aa) One (1) representative from an NGO representing the children sector.

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

Section 125. Qualifications, Selection and Appointment of NGO and its Representatives. (a) The minimum qualifications of the NGO members are the following:

- (1) Duly licensed and registered non-stock, non-profit, and non-government organization in the Philippines and accredited by the DSWD listed in its Registry of Social Welfare Development Agencies in the Philippines;
- (2) Has a proven track record of implementing anti-trafficking programs or services nationwide for at least five (5) years;
- (3) Majority of its clients/beneficiaries belong to the sector it seeks to represent; and
- (4) Has no pending criminal, civil, or administrative cases or investigation before any office, court or tribunal.

If the NGO is a member of a national or international coalition or federation, a significant segment of its network is composed of organizations and individuals belonging to the sector it represents.

(b) The NGO shall be represented by its head or managing officer, who shall have the following qualifications:

- (1) Has been involved in anti-trafficking work for at least two (2) years; and
- (2) Has no pending criminal, civil, or administrative cases or investigation before any office, court or tribunal.

(c) The NGO and its representative shall be nominated by any government agency Council member. The Council shall, by a majority vote, select the NGO and its representative for endorsement to the President of the Philippines.

(d) The President shall appoint the NGO and its representatives for a term of three (3) years, and may be re-appointed for another three-year term. Until the President of the Philippines appoints new NGO members, the existing NGO members shall seat in a hold-over capacity in the Council.

(e) The Council, through a resolution adopted unanimously, may recommend to the President the revocation of the appointment of the NGO and its representative, when the NGO and its representative failed to comply with the minimum requirements or qualifications of a sectoral representative, or for justifiable grounds.

Section 126. *Functions of the Council.* The Council shall have the following powers and functions:

- (a) Formulate a comprehensive and integrated program to prevent and suppress TIP, utilizing a multi-disciplinary and collaborative approach in the service delivery to, and case management of, trafficked persons and their families, including livelihood opportunities, and the development of school-based and community-based TIP preventive education programs, and psychosocial interventions by a multi-disciplinary team for the trafficked person and their families;
- (b) Promulgate rules and regulations as may be necessary for the effective implementation of the Act;
- (c) Monitor and oversee the strict implementation of the Act;
- (d) Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to TIP;
- (e) Coordinate the conduct of massive information dissemination and campaign on the law, the various issues and emerging trends of TIP;
- (f) Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;
- (g) Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of the Act;
- (h) Strengthen existing programs for the reintegration of trafficked persons in cooperation with DOLE, DSWD, DMW, TESDA, Commission on Higher Education (CHED), LGUs and NGOs;

- (i) Secure from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement the Act;
- (j) Complement the shared government information system for migration established under R. A. No. 8042, as amended, with data on TIP cases and ensure that the proper agencies conduct a continuing research and study on the patterns and scheme of TIP which shall form the basis for policy formulation and program direction;
- (k) Strengthen mechanisms to ensure the timely, coordinated, and effective response to TIP cases;
- (l) Develop measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress international TIP;
- (m) Coordinate with the Department of Information and Communications Technology (DICT), Department of Trade and Industry (DTI), and other NGOs in monitoring the promotion of advertisements that tend to promote TIP;
- (n) Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines;
- (o) Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons;
- (p) Regularly assess current data collection on, and the reporting and monitoring system for, TIP, 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 TIP cases;
- (s) Develop an integrated case management system or TIP data sets to facilitate the coordination and monitoring among the members of the Council and ensure the proper recovery and reintegration of the trafficked persons;
- (t) Impose administrative sanctions on the violations of the Act and its implementing rules and regulations as well as its order and resolutions; and

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

Section 127. Reportorial Function. The Council shall submit to the Office of the President of the Philippines an annual comprehensive report on the actions and programs taken by the Council relative to, and concerning, the implementation of the Act every 15th of January of each year.

Each Member of the Council shall submit a quarterly report to the IACAT Secretariat on the anti-trafficking programs and initiatives taken by their respective agencies or organizations for consolidation to the report to submitted to the President.

Section 128. Meetings of the Council. The Council shall meet regularly at least once every quarter. Special meetings may be called by the Chair as the need arises. Majority of the members of the Council shall constitute a quorum to transact business.

Section 129. Honoraria or Emoluments. The Members of the Council or their designated permanent representatives shall receive *honoraria* or emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.

Article 2 Secretariat

Section 130. Organization. The Secretariat for the Council is established in accordance with Section 22 of the Act. To ensure the effective operation and implementation of its functions and the efficient delivery of services, the Secretariat shall be composed of the Operations Division and Policy and Program Division, comprising various operational sections, such as, the Training Section, Public Information and Communications Section, Case Monitoring and Task Force Section, Planning Section and External Affairs Section.

The Secretary of Justice shall review the organizational structure of the Secretariat vis-a-vis its functions for the purpose of increasing the staff. Such organizational structure and staffing pattern shall be submitted to the Department of Budget and Management (DBM) for its approval.

Section 131. Functions. The IACAT Secretariat shall provide support for the functions and projects of the Council and shall have the following functions:

- (a) Coordinate and monitor the implementation of the policies and guidelines promulgated by the Council;

- (b) Oversee the various programs and projects initiated and funded by the Council or in partnership with other government agencies and NGOs;
- (c) Maintain and manage a central database on TIP;
- (d) Prepare an annual report on TIP and such other reports as may be required by the Council;
- (e) Organize forum to share the report among policy makers and other key stakeholders to generate recommendations for policy reform and program development or enhancement;
- (f) Update manuals, guidelines and other similar instruments as may be necessary to enhance victim identification procedures, protection and assistance to trafficked persons, and investigation and prosecution of cases, and strengthen inter-agency collaboration.
- (g) Assist in developing a child- age- and gender-sensitive integrated human resource development program for all government officials and personnel dealing with the issue of TIP;
- (h) Provide secretariat, record- keeping and other services to the Council; and
- (i) Perform such other functions as may be directed by the Council.

Section 132. Head of the Secretariat. The Secretariat shall be headed by an Executive Director and shall be appointed by the Secretary of Justice, upon the recommendation of the Council. The Executive Director shall be under the direct supervision of the Secretary of Justice.

He shall be assisted by two (2) Deputy Executive Directors for each division.

Section 133. Qualifications of the Executive Director. The Executive Director must have adequate knowledge on TIP and sufficient education, training and experience in the field of law, law enforcement, social work, criminology or psychology.

Section 134. Functions of the Executive Director. The Executive Director shall perform the following functions:

- (a) Act as secretary of the Council and shall be the technical and administrative head of its Secretariat;
- (b) Advise and assist the Chairperson in formulating and implementing the policies, plans and programs of the Council, including mobilization of the member agencies of the Council as well as other relevant government offices, task forces, and organizations;

- (c) Serve as principal assistant to the Chairperson in the overall supervision of Council's administrative business;
- (d) Oversee and supervise all operations and activities of the Secretariat;
- (e) Propose effective allocation and mobilization of resources, including the annual budget for anti-trafficking plans and programs;
- (f) Prepare and submit annual and other periodic reports to the Council, the President and Congress on the state of the anti-trafficking campaign in the country; and
- (g) Perform such other duties as the Council may assign.

Section 135. *Special units established by the Council.* The operations of the special units of the Council shall be supervised by the Secretariat, including the following:

- (a) IACAT Operation Center (OpCen);
- (b) Tahanan ng Iyong Pag-asa (TIP Center);
- (c) Advocacy and Communications Committee (ADVOCOM);
- (d) IACAT Cyber-Trafficking in Persons Unit (ICTU); and
- (e) Victim-Witness Coordinator (VWC) Program.

Article 3 **The Philippine Anti-Trafficking Database**

Section 136. *Review and full implementation of the Philippine Anti-Trafficking in Persons Database (PATD).* The Council shall review the PATD for the purpose of enhancing its features. The process shall also include the review of the existing data bases, such as but not limited to, NRRD, Integrated Case Management System (ICMS) and the Prosecutor's TIP Case Management System (PTCMS). The PATD shall serve as the central anti-trafficking database referred to in Section 16-A of the Act. For this purpose, the IACAT Secretariat shall develop the operations manual of the PATD that will include requirements for authorizing and monitoring access to the database.

The IACAT Secretariat shall be the administrator of the PATD.

Section 137. *Harmonization and standardization of databases.* To ensure efficient data collection, the Council, through the Secretariat, shall undertake measures to harmonize and standardize relevant databases, especially as regards minimum data requirements, definitions, reporting formats, data collection systems, and data verification systems. It shall make sure that such databases shall have, at the minimum, the following information:

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

Section 138. *Agency-based monitoring and data collection system.* All government agencies tasked under the law to undertake programs and render assistance to address TIP shall develop their respective monitoring and data collection systems and databases, for purposes of ensuring efficient collection and storage of data on TIP cases handled by their respective offices. Such data shall be submitted to the Council for integration.

Article 4 **Roles and Responsibilities of Relevant Agencies**

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

- (a) Develop the necessary agency child- and gender-sensitive policies and programs supportive and consistent with the objectives of the Act;
- (b) Enhance the capability of its officers and personnel involved in TIP issues and concerns, particularly on emerging trends of TIP through appropriate training and staff support programs;
- (c) Undertake information, education and advocacy campaigns against TIP, in consultation with the Council and the Secretariat to achieve efficiency and greater impact;
- (d) Maintain a database on TIP, disaggregated by age, sex, ethnicity, and type of disability, if any, to be shared among relevant agencies and complement the central database to be established by the Council;
- (e) Document good practices as bases for policy formulation and program development;

- (f) Undertake regular monitoring and evaluation of their anti-trafficking programs, and submit annual reports for consolidation of the IACAT Secretariat; and
- (g) Ensure to provide or include in their annual budget/appropriation funds for the implementation of anti-trafficking programs and initiatives.

Section 140. Specific Roles and Responsibilities of Council Member Agencies. The following national government agencies shall have, but not limited to, the following roles and responsibilities in the prevention and suppression of TIP and the protection and assistance of trafficked persons:

Agency	Roles and Responsibilities
(a) Department of Justice (DOJ)	<ul style="list-style-type: none"> (1) Ensure the prosecution of persons accused of TIP. (2) Designate and train special prosecutors who shall handle and prosecute TIP cases. (3) Provide legal and technical advice to the LEAs. (4) Facilitate international and mutual legal assistance on the preservation and production of computer data and collection of electronic evidence. (5) Establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, IBP and other NGOs and volunteer groups. (6) Conduct trainings and continuous education programs on investigation and prosecution for TIP and other related offenses for prosecutors and LEOs. (7) Make or process requests for mutual legal assistance or extradition. (8) Coordinate with international law enforcement and prosecution authorities for the prosecution of human traffickers with a cross-border element. (9) Institutionalize, in coordination with BI, border control mechanisms to enforce the provisions of this Act. (10) Coordinate with and provide assistance to AMLC on cases of TIP with possible money laundry underpinnings. (11) Review and recommend policies and measures to enhance protection against TIP. (12) Negotiate mutual legal assistance and extradition treaties with other countries in coordination with the DFA.
(b) Department of Social Welfare and	<ul style="list-style-type: none"> (1) Develop gender-responsive and trauma-informed counseling, rehabilitative, and protective programs for trafficked persons including prevention, rehabilitation, and

**Development
(DSWD)**

- 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 TIP.
- (2) 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.
 - (3) Establish free temporary shelters for the protection and housing of trafficked persons for the provision of psychological support and counseling, 24-hour call center for crisis calls and technology-based counseling and referral system.
 - (4) Conduct information campaigns in communities and schools, teaching parents and families that receiving consideration in exchange for adoption is punishable under the law.
 - (5) Conduct information campaigns to educate and enjoin parents not to give their children up for adoption in exchange for any consideration.
 - (6) Develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community.
 - (7) Develop and implement a healing, recovery and reintegration program for trafficked persons under Section 24 of the Act.

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

- (1) Make available its resources and facilities for trafficked persons regardless of their manner of entry to the receiving country.
- (2) Explore means to further enhance its assistance in eliminating TIP activities through closer networking with government agencies in the country and overseas.
- (3) Provide Filipino trafficked persons overseas with free legal assistance and counsel to pursue legal action against his/her traffickers, who shall represent his/her interests in any criminal investigation or prosecution.
- (4) Assist the trafficked persons in the application for social benefits and/or regular immigration status as may be allowed or provided for by the host country.
- (5) Repatriate trafficked persons with their consent of the victims, and assist in the prosecution of their traffickers.
- (6) Take necessary measures for the efficient implementation of the e-passporting system.
- (7) In coordination with DMW, shall provide free temporary shelters and other services to Filipino trafficked persons overseas through the MWO.
- (8) In coordination with the BI and the DOJ, shall:

	<ul style="list-style-type: none"> (i) 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; (ii) Develop mechanisms to ensure the timely, coordinated, and effective response to cross-border TIP cases; (iii) Provide immediate protection, repatriation, or both, to Filipino trafficked persons overseas; (iv) Recommend measure 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 TIP and sex offenders and their notification to persons concerned; (v) Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals or asylum seekers, refugees, stateless applicants and stateless persons in the Philippines; and foreign NGOs caring for and protecting trafficked persons; and (vi) Initiate training programs to capacitate government agents and NGOs in identifying and providing the necessary measures for intervention or assistance to trafficked persons. <p>(9) Ensure that all responsible officers in the Foreign Service shall advise the DMW, through the fastest means of communication available, the discovery and other relevant information on said trafficked migrant workers.</p>
<p>(d) Department of Labor and Employment (DOLE)</p>	<ul style="list-style-type: none"> (1) Ensure the strict implementation and compliance with the rules and guidelines relative to standard labor conditions and the employment of persons locally and across all sectors. (2) Monitor, document and report TIP cases involving employers and formal and informal labor recruiters across all sectors. (3) Provide employment facilitation and livelihood opportunities to trafficked persons. (4) Assist in the prosecution of employers hiring trafficked foreign nationals. (5) In coordination with DFA and DMW, it shall provide free temporary shelters and other services to Filipino trafficked persons. (6) Provide reintegration support to trafficked persons upon their repatriation.
<p>(e) Department of the Interior and Local</p>	<ul style="list-style-type: none"> (1) Institute a systematic information and prevention campaign in coordination with pertinent agencies of government.

Government (DILG)	<ul style="list-style-type: none"> (2) Provide capacity-building trainings and awareness-raising programs to LGUs, in coordination with their local anti-trafficking in persons committees or councils to support the effective implementation of a community-based TIP education program and to ensure wide understanding and application of the Act at the local level. (3) Include in the LGU accreditation and local permit processing of tourism enterprises a protocol that shall emphasize anti-trafficking objectives, the various forms by which TIP is committed, and the concomitant responsibility of tourism enterprises to report actual and possible acts of TIP to the authorities, in coordination with the leagues of provinces, cities and municipalities. (4) Mandate LGUs to pass an ordinance to combat TIP and other forms of exploitation at the local level. (5) Develop and implement a TIP preventive education program aimed at educating and orienting the public about the crime, how it is perpetrated in current society, and the services available for trafficked persons. (6) Investigate LGUs for non-compliance with its mandates under the Act and relevant rules issued by the Council or the DILG and recommend the appropriate filing of an administrative case against erring public officials to the Ombudsman.
(f) Department of Education (DepEd)	<ul style="list-style-type: none"> (1) Provide measures, including the conduct of information campaigns, to prevent TIP and other exploitative acts, such as OSAEC in educational institution. (2) Establish reporting mechanisms in the school system consistent with its child protection and gender and development programs. (3) Develop a teacher training manual and modules or curriculum for students aimed at raising their awareness on the perils of TIP and the prevention of TIP and other exploitative forms of behavior. (4) Implement a school-based anti-trafficking preventive education program, in coordination with the Council, the CHED, the TESDA, and civil society. (5) Provide opportunities for trafficked persons in the educational mainstream through the basic education and non-formal education curricula. (6) Conduct information campaign to parents about TIP, including OSAEC, and the dangers it poses to their children/students.
(g) Department of Health (DOH)	<ul style="list-style-type: none"> (1) Make available resources and facilities in providing health care to trafficked persons, which shall at all times be held confidential.

	<ul style="list-style-type: none"> (2) Develop a comprehensive program to prevent the TIP for the removal or sale of organs for implementation by the local health offices. (3) Assist, including technical assistance and providing expertise, in the investigation and prosecution of the TIP for the removal or sale of organs. (4) Undertake and sustain activities to increase public awareness on TIP for the removal or sale of organs, which may include awareness among medical practitioner, family and patient information and education, public education, and advocacy campaigns (5) Assist in the investigation and prosecution of traffickers of infants born in health facilities.
<p>(h) Department of Information and Communications Technology (DICT)</p>	<ul style="list-style-type: none"> (1) 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, in coordination with Cybercrime Investigation and Coordinating Council (CICL), National Privacy Commission (NPC) and National Telecommunications Commission (NTC). (2) Extend immediate assistance for the prevention of the commission of cybercrime offenses related to TIP, particularly online exploitation of children. (3) Assist LEAs and prosecution agencies in the investigation of TIP committed through the use of information and communications technology.
<p>(i) Department of Migrant Workers (DMW)</p>	<ul style="list-style-type: none"> (1) Provide free legal assistance and counsel to trafficked Migrant Workers (MWs) to pursue legal action against their offenders and represent their interests in any criminal investigation or prosecution. (2) Repatriate trafficked MWs, with their consent and assist in the prosecution of their traffickers (3) Establish a mechanism with all responsible officers in the Foreign Service to ensure coordination, through the fastest means of communication available, the discovery and other relevant information on said trafficked MW. (4) Subsume the functions of the POEA pursuant to R.A. No. 11641.
<p>(j) Department of Tourism (DOT)</p>	<ul style="list-style-type: none"> (1) Formulate and implement preventive measures against sex tourism packages and the use of tourism enterprises as <i>situs</i> or location of TIP, in coordination with the Council and other relevant government agencies.

	<ul style="list-style-type: none"> (2) Develop a comprehensive program, including policies and guidelines, to address and prevent TIP in the travel and tourism industry and in places of amusement. (3) Develop a set of criteria as basis for accreditation of tourism enterprises by its local tourism offices, such as 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. (4) Ensure that all anti-trafficking 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. (5) Provide training to tourist security officers on surveillance, investigation and rescue operation strategies. (6) Develop a system of coordination with LEAs/LGUs in reporting actual and possible acts of TIP to the authorities of TIP cases. (7) Educate and train communities, including tourist workers, about TIP and on how to report TIP cases.
<p>(k) Department of Transportation (DOTr)</p>	<ul style="list-style-type: none"> (1) 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, and passenger boat crew in victim identification and reporting incidents of TIP. (2) Provide guidelines for the land, sea and air transport providers to train their personnel in TIP. (3) Standardize guidelines for monitoring TIP in every port.
<p>(l) Philippine Overseas Employment Administration (POEA)</p>	<ul style="list-style-type: none"> (1) Implement pre-employment orientation seminars (PEOS) and accredit NGOs and other service providers conducting PEOS. (2) Formulate a system of providing free legal assistance to trafficked persons especially those involving TIP in the guise of overseas employment. (3) Create a blacklist of recruitment agencies, illegal recruiters and persons facing administrative, civil and criminal complaints for TIP filed in the receiving country and/or in the Philippines and those agencies, illegal recruiters and persons involved in TIP cases. (4) To transfer the operation and/or implementation of the programs and responsibilities herein to the DMW who shall assume and perform all their powers and functions pursuant to R.A. No. 11641.

<p>(m) Bureau of Immigration (BI)</p>	<ol style="list-style-type: none"> (1) Administer and enforce immigration and alien administration laws. (2) 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 TIP and OSAEC in any jurisdiction. (3) Adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure. (4) Ensure stronger border protection against TIP including the regulation of visa upon arrivals. (5) Ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement as provided for in this Act. (6) Train immigration officers in detecting or preventing TIP at the borders.
<p>(n) Philippine Coast Guard (PCG)</p>	<ol style="list-style-type: none"> (1) Conduct regular inspections, surveillance, investigation, and arrest of individuals or persons suspected to be engaged in TIP at sea. (2) Coordinate with other LEAs to secure concerted efforts for effective investigation and apprehension of suspected traffickers. (3) Establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations. (4) Provide capacity-building programs to its regional, city, and municipal units, in coordination with other concerned agencies, in ensuring wide understanding and application of the Act at the local level. (5) Encourage and support anti-trafficking initiatives from the national to the local levels.
<p>(o) Philippine National Police (PNP)</p>	<ol style="list-style-type: none"> (1) Investigate reports involving TIP, including alleged TIP activities in different airports and seaports through its aviation security group and maritime group. (2) Conduct surveillance, investigation and arrest of individuals or persons suspected to be engaged in TIP. (3) Coordinate closely with other LEAs to secure concerted efforts for effective investigation and apprehension of suspected traffickers. (4) Coordinate with other government agencies which may have initially processed complaints for TIP. (5) Establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations.

	<ul style="list-style-type: none"> (6) Ensure that deployed personnel to the office of the police attaché are capable of investigating TIP cases in a child and gender sensitive manner. (7) Strengthen the anti-trafficking section under the Women and Children Protection Desks (WCPD) nationwide. (8) Integrate in the program of instruction a comprehensive child and gender sensitive management of TIP cases in the PNP training school and other schools operated and managed by the PNP. (9) Provide capacity building to the senior cadets of the Philippine National Police Academy in coordination with Council. (10) Enter into international arrangements with counterpart foreign law enforcement units. (11) Conduct joint investigations with counterpart foreign law enforcement units.
<p>(p) Philippine Commission on Women (PCW)</p>	<ul style="list-style-type: none"> (1) Participate and coordinate in the formulation and monitoring of policies addressing the issue of TIP in coordination with relevant government agencies. (2) Advocate for the inclusion of the issue of TIP in both its local and international advocacy for women's issues. (3) Actively advocate and participate in international and regional discussion and initiatives in TIP in women and include the same in all of its international commitments and policy pronouncements. Where possible and appropriate, provide inputs to bilateral and multilateral collaborative projects on TIP. (4) Assist the Council in the formulating and monitoring policies addressing the issue of TIP in coordination with relevant government agencies. (5) Assist the Council in the conduct of information dissemination and training on gender-responsive case management, treatment and reporting of trafficked persons to frontline government agencies, NGOs and the general public. (6) Assist the Council in the development of gender responsive documentation system in coordination with other agencies through its monitoring of the situation of women particularly on violence against women.
<p>(q) Commission on Filipinos Overseas (CFO)</p>	<ul style="list-style-type: none"> (1) Provide pre-departure registration services for Filipino emigrants, including Filipino spouses and other partners of foreign nationals. (2) Conduct pre-departure counseling services for Filipinos in intermarriages and bi-national couples including orientation on TIP and other forms of exploitation and reporting mechanisms and services available to the trafficked persons.

	<ul style="list-style-type: none"> (3) Maintain a watch list database of foreign nationals with a history of domestic violence, involvement in TIP, mail-order-bride schemes, child abuse, and sexual abuse. (4) 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. (5) Ensure that the counselors shall have the minimum qualifications and training of guidance counselors as provided for by law. (6) Supervise the operation of a 24/7 hotline facility, 1343 Actionline, against TIP that responds to emergency or crisis calls from trafficked persons, their families, and the general public, in coordination with the Council. (7) Assist in the conduct of information campaigns against TIP in coordination with LGUs, the Philippine Information Agency (PIA), and NGOs.
<p>(r) National Commission on Indigenous Peoples (NCIP)</p>	<ul style="list-style-type: none"> (1) Develop a program for the prevention of TIP of indigenous persons and in indigenous cultural communities, in coordination with the Council. (2) Educate and train indigenous persons and in indigenous cultural communities about TIP, which cannot be the subject of settlement in accordance with tribal customs.
<p>(s) National Bureau of Investigation (NBI)</p>	<ul style="list-style-type: none"> (1) Investigate reports involving TIP. (2) Undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in TIP. (3) Closely coordinate with other LEAs to secure concerted efforts for effective investigation and apprehension of suspected traffickers. (4) Establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations. (5) Establish an anti-trafficking section. (6) Enter into international arrangements with foreign law enforcement counterparts. (7) Conduct joint investigations with counterpart foreign law enforcement units.
<p>(t) Philippine Center on Transnational Crime (PCTC)</p>	<ul style="list-style-type: none"> (1) Undertake strategic research on the structure and dynamics of TIP with transnational crime dimension, predict trends and analyze given factors for the formulation of individual and collective strategies for the prevention and detection of TIP and the apprehension of criminal elements involved.

	<ul style="list-style-type: none"> (2) Strengthen information exchange on TIP between and among government agencies, foreign counterparts and international organizations. (3) Serve as the focal point in international enforcement coordination on TIP particularly with the International Criminal Police Organization (INTERPOL) and cooperation with regional and international foreign counterparts. (4) Promote the development of training courses in relation to combating TIP. (5) Enter into international arrangements on transnational organized crimes, including TIP.
<p>(u) Council for the Welfare of Children (CWC)</p>	<ul style="list-style-type: none"> (1) Integrate in its development and strategic frameworks issues and concerns affecting TIP in children and ensure the adoption of such frameworks by the LGUs and other stakeholders. (2) Advocate against the trafficking of children. (3) Improve data on TIP in children through integration of critical and relevant indicators into the monitoring system for children. (4) Adopt policies and measures that will protect and promote the rights and welfare of trafficked children and coordinate and monitor their implementation. (5) Implement policies and program interventions to address issues on trafficking of children.
<p>(v) National Authority for Child Care (NACC)</p>	<ul style="list-style-type: none"> (1) Advocate for the rights of children under alternative child care programs and/or adoption against TIP. (2) Train NACC Social Workers and develop capable, responsive and trauma-informed counseling, rehabilitative, and protective programs for trafficked children under the jurisdiction of the NACC. (3) Extend training and programs to the representatives and/or social workers of child caring agencies or other facilities extending care to children, including local, city, and municipal social workers. (4) Conduct information dissemination programs to educate the public on the legal process of adoption/alternative child care programs. (5) Develop and implement a comprehensive updated database of all children under the jurisdiction of the NACC, the prospective adoptive parents, adoptive parents, and/or foster parents. (6) Include current issues concerning children under the jurisdiction of the NACC in developing guidelines and frameworks for effective and efficient processes and further implement policies to protect the rights of children under the

(w) Anti-Money Laundering Council (AMLC)

	jurisdiction of the NACC and the adoptive or foster parents, as applicable.
	<p>(1) Assist in the financial investigation of TIP cases as a predicate offense of money laundering.</p> <p>(2) Act on request for issuance of freeze orders and institution on civil forfeiture proceedings against the assets of the traffickers.</p> <p>(3) Assist the Council and LEAs in building their capacities to conduct parallel financial investigation on the proceeds and instruments of TIP.</p> <p>(4) Promulgate the necessary rules and regulations to monitor the reporting of financial intermediaries in relation to TIP-related activity or transaction which shall include among others the guidelines to determine suspicious activity and indicators that TIP- related activities are being conducted.</p>

Section 141. Roles and Responsibilities of NGO Council members. The NGO members of the Council shall have the following roles and responsibilities:

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

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

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

Agency	Roles and Responsibilities
<p>(a) Overseas Workers Welfare Administration (OWWA)</p>	<p>(1) Conduct pre-departure orientation seminars (PDOS) and accredit NGOs and other service providers conducting PDOS.</p> <p>(2) Formulate a system of providing free legal assistance to trafficked persons, in coordination with DFA.</p> <p>(3) Repatriation of trafficked OWWA members.</p> <p>(4) Provision of psychosocial and other reintegration and other services to its members.</p> <p>(5) Provide airport assistance to all trafficked OWWA members.</p>
<p>(b) Commission on Human Rights (CHR)</p>	<p>(1) Conduct advocacy and training programs relating to anti-trafficking.</p> <p>(2) Investigate and recommend for prosecution violations of the Act.</p> <p>(3) Provide legal and financial assistance to trafficked persons.</p> <p>(4) Integrate anti-trafficking efforts in the Barangay Human Rights Action Center (BHRAC).</p> <p>(5) Monitor government compliance to international human rights treaty obligations related to the suppression/elimination of TIP.</p>
<p>(c) Department of Agriculture (DA) and Bureau of Fisheries and Aquatic Resources (BFAR)</p>	<p>(1) Institute a systematic information and prevention campaign in coordination with the agencies of government as provided for in this Act.</p> <p>(2) Provide capacity-building programs to its regional, city, and municipal units, in coordination with the Council and other concerned agencies, to ensure wide understanding and application of this Act, including the local agriculture and fisheries sector.</p> <p>(3) Encourage and support anti-trafficking initiatives in the national and local levels.</p> <p>(4) Establish a system for receiving complaints and calls of assisting trafficked persons, and facilitating the referral of these complaints to the appropriate agency, particularly TIP committed in the agriculture and fisheries sectors.</p>

(d) National Council on Disability Affairs (NCDA)	<ul style="list-style-type: none"> (1) Develop programs for the prevention of TIP with disability (PWDs); and (2) Provide assistance to PWDs who are trafficked persons.
(e) Philippine Amusement and Gaming Corporation (PAGCOR)	<ul style="list-style-type: none"> (1) Develop guidelines to monitor Philippine Off-Shore Gaming Operator establishments to ensure compliance with the provisions of this Act, in coordination with the Council and the DOLE. (2) Monitor gaming and amusement venues to prevent TIP and prosecute violators.
(f) Philippine Ports Authority (PPA)	<ul style="list-style-type: none"> (1) Enhance its security measures and undertake regular inspections of the country's ports and harbors. (2) Coordinate with other LEAs for effective investigation and apprehension of suspected traffickers. (3) Develop programs to address and prevent TIP committed within the ports under their jurisdiction.
(g) Philippine Information Agency (PIA)	<ul style="list-style-type: none"> (1) Enhance public awareness on TIP, pertinent laws and possible actions to prevent victimization and re-victimization by developing public advocacy program as well as printing and distributing appropriate information materials.
(h) Office of Civil Defense-National Disaster Risk Reduction and Management Council (OCD-NDRRMC)	<ul style="list-style-type: none"> (1) Develop guidelines for the prevention of TIP in emergency, disaster, pandemic and crisis situations. (2) Direct Local Disaster Risk Reduction Management Office (LDRRMO) and Council (LDRRMC) to develop programs to prevent and protect survivors of disaster or conflict from perpetrators of TIP.

Section 143. Assistance of other agencies and institutions. In implementing the Act and these rules and regulations, the agencies concerned may seek and enlist the assistance of NGOs, people's organizations (POs), civic organizations and other volunteer groups, which will all likewise be encouraged to assume the same roles and responsibilities enumerated in Section 142.

Section 144. Roles and Responsibilities of Local Government Units (LGUs). LGUs shall develop and implement programs to prevent TIP, monitor and document TIP cases, and provide support to trafficked persons including their subsequent rehabilitation and reintegration. To this end, they shall:

- (a) 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 trafficked persons;

- (b) Organize and ensure the smooth functioning of a sub-committee on TIP 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 TIP and grant *honoraria* to local anti-trafficking in persons committees or council members to ensure total active participation;
- (c) Document and monitor cases of TIP in their respective areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of the Act, ensure effective prosecution of TIP cases, and prescribe compliance with the 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;
- (d) Ensure the provision of necessary services to trafficked persons, such as temporary shelter, board and lodging, transportation, counseling and documentation, among others;
- (e) Coordinate with, refer, and endorse to the DSWD all TIP cases;
- (f) Undertake an information campaign against TIP 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;
- (g) Encourage and support community-based initiatives which address the TIP;
- (h) Enact ordinances to localize and strengthen the implementation of the Act by providing local services and programs to trafficked persons and other exploitative behavior;
- (i) Develop a system for accreditation of NGOs and CSOs for purposes of establishing centers and programs for interventions in the community;
- (j) Submit regular reports to the Council on TIP cases and programs undertaken to prevent and address TIP; and

- (k) 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 TIP.

The Leagues of Provinces, Municipalities and Cities shall recommend measures and ensure the implementation of the LGUs' roles and responsibilities. LGUs may seek and enlist the assistance of NGOs, POs, civic organizations and other volunteer groups and ensure to provide or include in their annual budget/appropriation funds for the implementation of anti-TIP programs and initiatives.

The DILG shall ensure compliance by LGUs of this provision, investigate violations thereof, and recommend the appropriate filing of an administrative case against erring public officials to the Ombudsman.

Any act or omission in violation of this provision, and which is defined and penalized under the RPC or any special law, shall be prosecuted and punished under the applicable law.

Article 5

Duties and Responsibilities of the Private Sector

Section 145. *Duties of Internet Intermediaries.* Internet intermediaries, including ISPs, internet content hosts, participative network platform providers, financial intermediaries, and electronic money issuers, shall:

- (a) Adopt in their terms of services 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; *Provided*, That for foreign internet intermediaries, the terms of service or service agreements of which, whether for one or more contents, products, or services, already incorporate a substantially similar prohibition shall be deemed compliant with this provision; *Provided, further*, That this requirement applies to terms of service or service agreements with third-party users or creators of contents, products, and services for, or applicable to, products and services accessible from the Philippines.
- (b) 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 the Act upon formal request of duly authorized LEAs, with no need of warrant, and in accordance with due process, pursuant to Section 9 of the Act.

- (c) 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 or coordinating with, or obtaining memberships in, widely-recognized organizations and coalitions that maintain a comprehensive list of child abuse image content, URL list and image hashes, among others.
- (d) Preserve and protect the integrity of all subscribers or registration 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 TIP.

Provided, That, upon notice by the DOJ, PNP, NBI, or the 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.

For the purpose of extending the preservation of subscriber's or registrant's information and traffic data, the DOJ, PNP, NBI or the DICT-CICC shall coordinate with the internet intermediary.

- (e) Immediately block access to, remove, or take down the internet address, URL website, or any content thereof, containing all forms of TIP, 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 TIP 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.

"Notice" herein shall mean written notice from the DOJ, PNP, NBI, or DICT-CICC, which states among others:

- (1) that it is issued pursuant to Section 9(a)(5) of the Act and Section 145(e) of this IRR;
- (2) the name of the issuing agency (i.e. DOJ, PNP, NBI, or the DICT-CICC);
- (3) the name and signature of the authorized official in accordance with the rules of the agency;
- (4) the date on which it was signed;
- (5) the reference to the specific provision of the Act alleged to be violated;

- (6) the specific internet address, URL, website, or any content to be blocked/removed/taken down; and
- (7) such other facts as may be necessary to show the relevance of the request to the prosecution/investigation.

“Knowledge” shall mean actual knowledge of the existence of an attempt to commit or an actual act of TIP being committed within their control, which may include the receipt of reports containing the specific internet address, URL, website, or any content to be blocked/removed/taken down, legal basis for alleged violation with reference to the specific provision of the Act alleged to be violated, and all other facts that the internet intermediaries may deem necessary for them to facilitate a full review of the report. The reports should clearly and distinctly state the facts from which it is apparent that the internet address, URL, website, or any content thereof, contains any form of TIP, CSAEM or CSAM, or any form of sexual exploitation of children.

- (f) 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 TIP, child pornography, or any form of sexual exploitation of children that is 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.
- (g) Upon request and notwithstanding the provisions of R.A. No. 10175, and in accordance with R.A. No. 10173, 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.

The request, which shall be in writing, must:

- (1) Be addressed to the custodian of the data;

- (2) State that it is issued pursuant to Section 9 (a)(6) of the Act and Section 145(f) of this IRR;
- (3) State the name of the issuing agency (i.e. DOJ, PNP, NBI, or the DICT-CICC);
- (4) State the name and signature of the authorized official in accordance with the rules of the agency;
- (5) State the date of the request;
- (6) State that it is issued pursuant to the prosecution/investigation of a person who is alleged to have committed, is committing, or is attempting to commit a violation of the Act and provide the provision that is alleged to have been violated;
- (7) State the specific subscriber or account subject of the prosecution/investigation, by indicating the relevant URL or user ID used to identify the particular subscriber or account;
- (8) State that the request is for subscriber information;
- (9) State the facts necessary to show the relevance of the request to the prosecution/investigation;
- (10) Provide the relevant report identification number, if the investigation/prosecution is connected to a report made to an organization tasked by its government to receive cybercrime reports; and
- (11) Be submitted pursuant to the process established by the internet intermediary for submitting such requests.
- (12) The internet intermediary shall respond to the request in writing including through electronic means.

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 OSAEC.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Five million pesos (5,000,000.00) for the first offense. In case of subsequent offense, the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Ten million pesos (10,000,000.00) 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 the 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 the duties and responsibilities prescribed herein and under Section 9 of the Act are punishable by six (6) years imprisonment and a fine of not less than five hundred thousand pesos (P500,000.00) as provided under Section 10(f) of the Act.

Section 146. Duties of Owners and Operators of Internet Café, Hotspots and Kiosks, Money Transfer and Remittance Centers, Transport Services, Tourism Enterprises, Malls, and Other Business Establishments Open and Catering to the Public.

(a) Owners and operators of internet cafes, hotspots, kiosk, 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 the Act are taking place within their premises, or that their facilities and services are being used to commit violations of the 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 the Act.

(b) Establishments shall promote awareness against TIP 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.

(c) Money transfer and remittance centers shall require individuals transacting with them to present valid government identification cards.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Five million pesos (5,000,000.00) for the first offense. In case of subsequent offense, the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Ten million pesos (10,000,000.00) 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 the 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 the duties and responsibilities prescribed herein and under Section 9 of the Act are punishable by six (6) years imprisonment and a fine of not less than five hundred thousand pesos (P500,000.00) as provided under Section 10(f) of the Act.

Section 147. Responsibilities of Tourism Enterprises. (a) All tourism enterprises shall notify the DSWD, DOJ, DOLE, PNP, or the NBI within forty-eight (48) hours from obtaining facts and circumstances that TIP, 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 the Act.

(b) All tourism enterprises shall post a notice containing the contact details of TIP 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 Council 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 LGUs and tourism enterprises.

(c) All tourism enterprises shall develop their own anti-trafficking tourism policy in accordance with guidelines from Council and the DOT. They shall also, in cooperation with the Council, DSWD, or a reputable NGO focused on anti-trafficking in persons, train their employees who are likely to interact or come into contact with trafficked persons in recognizing the signs of TIP and how to report suspected TIP activity to the appropriate LEA. The Council 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 business permit to operate.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Five million pesos (5,000,000.00) for the first offense. In case of subsequent offense, the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Ten million pesos (10,000,000.00) 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 the 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 the duties and responsibilities prescribed herein and under Section 9 of the Act are punishable by six (6) years imprisonment and a fine of not less than five hundred thousand pesos (P500,000.00) as provided under Section 10(f) of the Act.

Section 148. Responsibilities of Financial Intermediaries. Any financial intermediary or person working for, related to, or who has direct knowledge of any TIP-related financial activity or transaction conducted through a financial intermediary, shall have the duty to report any suspected TIP-related activity or transaction to the concerned LEAs. Likewise, financial intermediaries shall have the duty to report these activities to the AMLC in accordance with the suspicious transaction reporting mechanism under R.A. No. 9160, 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 TIP-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 the Act.

Notwithstanding the provisions of R.A. No. 1405, as amended (An Act Prohibiting Disclosure of or Inquiry Into, Deposits With Any Banking Institution, And Providing Penalty Therefor), R.A. No. 6426 as amended, (Foreign Currency Deposit Act of the Philippines), R.A. No. 8791 (The General Banking Law of 2000), and other pertinent laws, the LEAs investigating TIP cases 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 *ex parte* application in cases of violations of the 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 TIP and violations of the Act.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Five million pesos (5,000,000.00) for the first offense. In case of subsequent offense, the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Ten million pesos (10,000,000.00) 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 the 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 the duties and responsibilities prescribed herein and under Section 9 of the Act are punishable by six (6) years imprisonment and a fine of not less than five hundred thousand pesos (P500,000.00) as provided under Section 10(f) of the Act.

Section 149. *Hotels, Transient and Residential Houses, Condominium, 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 TIP 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 the Act. *Provided, further*, That the receipt of information that TIP activity has taken place in the premises also gives rise to the duty to notify the PNP or the NBI.

Any person who violates this Section, which is penalized under Section 9 of the Act, shall suffer the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Five million pesos (5,000,000.00) for the first offense. In case of subsequent offense, the penalty of a fine of not less than Two million pesos (2,000,000.00) but not more than Ten million pesos (10,000,000.00) 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 the 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 the duties and responsibilities prescribed herein and under Section 9 of the Act are punishable by six (6) years imprisonment and a fine of not less than five hundred thousand pesos (P500,000.00) as provided under Section 10(f) of the Act.

Section 150. *Non-violation of R.A. No. 10175 and R.A. No. 10173.* 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 R.A. No. 10175 and R.A. No. 10173.

Article 6

Sub-national structures against TIP

Section 151. *Existing sub-national structures.* The existing Regional Inter-Agency Committee Against Trafficking in Persons and Violence Against Women and Children (RIACAT-VAWC), as well as the Local Committee against Trafficking in Persons and Violence against Women and Children (LCAT-VAWC) established at the provincial and city/municipality levels pursuant to the Joint Resolution of the Inter-Agency Council Against Trafficking (IACAT) and the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC) adopted by Council on June 14, 2006 and by IAC-VAWC on June 20, 2006 shall continue to exist and function.

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

Section 152. *Additional function of LCAT-VAWC.* The LCAT-VAWC, through the local social workers and in coordination with the barangay officials, shall identify communities and families that are vulnerable to TIP for purposes of providing appropriate interventions. They shall also recommend ordinance to implement local programs and interventions on anti-trafficking in persons.

Section 153. *Preparation and submission of reports.* The existing sub-national structures shall prepare and submit annual reports on local initiatives according to the following schedule:

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

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

Section 154. *Technical assistance and functionality of local structures.*

The DSWD and DILG shall provide technical assistance to LGUs in organizing or strengthening the LCAT-VAWC. They shall likewise develop templates for local policies and standards on the functionality of these structures in addressing TIP. They shall also promote the utilization of the NRS and the PATD. They shall regularly report to the Council the number of organized local structures and the activities undertaken by the local structures for inclusion in the annual and other reports of the Council.

Section 155. *Assistance of other Council member agencies and NGOs.*

The other member agencies of the Council including other NGOs shall likewise extend assistance to local LGUs in organizing local IAC-VAWCs, especially in building local capacity on developing TIP prevention programs and protection, recovery and reintegration programs for trafficked. They shall report to the Council such assistance and support to LGUs for inclusion in the annual and other reports of the Council and ensure to provide or include in their annual budget/appropriation funds for the implementation of anti-trafficking programs and initiatives.

Article 7
Anti-Trafficking Task Forces
and Special Law Enforcement Units

Section 156. *Specialized anti-trafficking task forces and/or units.* (a)

Members of the Council may establish specialized anti-trafficking task-forces or units to implement its mandate under the Act. These specialized units shall:

- (1) Exclusively handle cases or reports involving TIP;
- (2) Develop expertise of its respective members through the conduct of capacity-building and continuous review and updating of training programs for its members;
- (3) Coordinate with the other task forces;

- (4) Ensure the implementation of the specific roles and responsibilities of the member agency concerned under the Act and these rules and regulations;
- (5) Assist in the establishment of similar units in local areas, as may be necessary, and coordinate with these local task forces.

(b) The existing specialized task forces and units shall continue in its operations in accordance with its respective mandates under the Act and relevant Council Guidelines. These specialized task forces and units include:

- (1) Under the DOJ, the National Inter-Agency Law Enforcement Task Force Against Trafficking in Persons (NIATFAT) and the Regional Anti-Trafficking Task Forces (RATTF) established at various airports and seaports including land-based task forces.
- (2) Under the PNP, the Women and Children Protection Centers/Desks (WCPDs) nationwide, and a separate and dedicated anti-trafficking in person unit (ATIP Unit) at the national and regional levels.
- (3) Under the NBI, Anti-Human Trafficking Division (AHTRAD).

(c) The member agencies shall continually assess and review the operations of these task-forces. The amount necessary for the operations of these specialized units shall be funded by the concerned member agencies and may be supplemented by the Council.

Section 157. *Sharing of information and conduct of typology workshops.*

These specialized task forces and units shall periodically conduct sharing of information sessions, typology workshops and similar activities to allow the exchange of experiences and practices in the conduct of surveillance, interdiction, arrest, investigation and prosecution of TIP cases among the members of various task forces, specialist units and prosecutors toward enhancing strategies and mechanisms to combat TIP.

**Article 8
Capacity Building**

Section 158. *Capacity building framework and human resource development program.*

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

Section 159. Continuous development and updating of manuals, guidelines and other similar instruments. The Council shall continuously develop manuals, guidelines and other similar instruments as may be necessary to enhance victim identification procedures, protection and assistance to trafficked persons, and investigation and prosecution of cases, and strengthen inter-agency collaboration.

RULE IX PROHIBITED ACTS AND PENALTIES

Article 1 Prohibited Acts and Penalties

Section 160. Prohibited Acts and its penalties under R.A. 9208, as amended. The following acts are prohibited under R.A. 9208, as amended:

(a) Acts of trafficking in persons. Section 4 of the Act prohibits any person 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, the following acts:

- (1) 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 sexual exploitation, production, creation, or distribution of CSAEM or CSAM, forced labor, slavery, involuntary servitude, or debt bondage;
- (2) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under R.A. No. 10906 (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;
- (3) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- (4) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

- (5) To maintain or hire a person to engage in prostitution or pornography;
- (6) To adopt persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (7) 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;
- (8) 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;
- (9) 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;
- (10) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide or receive a person by means defined in Section 3 of the Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either:
 - (i) To believe that if the person did not perform such labor or services, he/she or another person would suffer serious harm or physical restraint; or
 - (ii) To abuse or threaten the use of law or the legal processes;
- (11) 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 barter for purposes of exploitation. TIP for purposes of exploitation of children shall include:
 - (i) 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;
 - (ii) The use, procuring or offering of a child for prostitution, for the production CSAEM, or CSAM, for pornographic performances;

- (iii) The use, procuring or offering of a child for the production and trafficking of drugs; and
 - (iv) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals; and
- (12) To organize, provide financial support, or direct other persons to commit the offenses defined as acts of TIP under the Act.
- (13) 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.

Under Section 10(a) of the Act, any person found guilty of committing any of these acts shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00).

(b) Acts that promote trafficking in persons. Section 5 of the Act prohibits any person to commit the following acts which promote or facilitate TIP:

- (1) 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 digital platform and application, for the purpose of promoting TIP;
- (2) 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 TIP;
- (3) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes TIP;
- (4) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit

documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting TIP;

- (5) 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 in possession of tampered, fake, or fraudulently acquired travel documents, for the purpose of promoting TIP;
- (6) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of TIP or to prevent them from leaving the country or seeking redress from the government or appropriate agencies;
- (7) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery;
- (8) To tamper with, destroy, or cause the destruction of evidence, or to influence or attempt to influence witnesses, in an investigation or prosecution of a case under the Act;
- (9) To destroy, conceal, remove, confiscate or possess, or attempt to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other travel, immigration or working permit or document, or any other actual or purported government identification, of any person in order to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person;
- (10) To utilize his or her office to impede the investigation, prosecution or execution of lawful orders in a case under the Act;
- (11) For internet intermediaries to knowingly or by gross negligence allow their internet infrastructure to be used for the purpose of promoting TIP;
- (12) 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 TIP;
- (13) 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 TIP;

- (14) 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 TIP; or
- (15) 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.

Under Section 10(d) of the Act, any person found guilty of committing any of these acts shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Any person who violates Section 161(13), which is prohibited under Section 5(m) of the Act, shall be deemed to have committed unlawful activities and shall be penalized for money laundering as defined in R.A. No. 9160, as amended.

(c) Violation of Confidentiality. Section 7 of the Act prohibits:

- (1) Any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or electronic information technology to cause publicity of the name, personal circumstances, or any information tending to establish the identity of the trafficked person except when the trafficked person in a written statement duly notarized knowingly, voluntarily and willingly waives said confidentiality.
- (2) Any law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners to whom the complaint has been referred to disclose to the public the name and personal circumstances of the trafficked person or any other information tending to establish the identity of the trafficked person and his/her family shall not be disclosed to the public.

Under Section 10(f) of the Act, any person found guilty of committing any of these acts 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).

(d) Use of trafficked persons. Section 11 of the Act prohibits any person to buy or engage the services of a trafficked person for prostitution.

Provided, That P.D. No. 968 (Probation Law) shall not apply, any person found guilty of this act shall suffer the penalty of:

- (1) *Prision Correccional* in its maximum period to *prision mayor* or six (6) years to twelve (12) years imprisonment and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00); *Provided, however*, That the following acts shall be exempted thereto:
- (2) If the offense under involves sexual intercourse or lascivious conduct with a child, the penalty shall be *reclusion temporal* in its medium period to *reclusion perpetua* or seventeen (17) years to forty (40) years imprisonment and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- (3) If it involves carnal knowledge of, or sexual intercourse with, a male or female trafficking victim and also involves the use of force or intimidation, to a victim deprived of reason or to an unconscious victim, or a victim under twelve (12) years of age, instead of the penalty prescribed in the subparagraph above the penalty shall be a fine of not less than One million pesos (P1,000,000.00) but not more than Five million pesos (P5,000,000.00) and imprisonment of *reclusion perpetua* or forty (40) years imprisonment with no possibility of parole; except that if the offender knows the person that provided prostitution services is in fact a trafficked person, the offender shall be penalized under Section 10 as a person violating Section 4 of the Act; and if in committing such an offense, the offender also knows a qualifying circumstance for trafficking, the offender shall be penalized under Section 10 for qualified trafficking. If in violating this section the offender also violates Section 4, the offender shall be penalized under Section 10 and, if applicable, for qualified trafficking instead of under this section;

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

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

Section 161. Attempted Trafficking in Persons. Section 4(b) of the Act prohibits the attempt to commit any of the offenses enumerated in Section 4 thereof. Where there are acts to initiate the commission of a TIP offense but the

offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of TIP.

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

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

Under Section 10 (b) of the Act, any person found guilty of committing attempted trafficking in persons shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Section 162. Accomplice Liability. – Section 4(b) of the Act prohibits any person who knowingly aids, abets, cooperates in the execution of any of the offenses defined in the Act by previous or simultaneous acts shall be punished as an accomplice under Section 10(c) of the Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Section 163. Accessory. – Whoever has the knowledge of the commission of the crime, and without having participated therein, either as principal or as accomplice, take part in its commission in any of the following manners:

- (a) By profiting himself/herself for assisting the offender to profit by the effects of the crime;
- (b) By concealing or destroying the body of the crime or effects or instruments thereof, in order to prevent its discovery; or

- (c) By harboring, concealing or assisting in the escape of the principal of the crime, provided the accessory acts with abuse of his or her public functions or is known to be habitually guilty of some other crime.

Under Section 10(d) of the Act, any person found guilty of committing any of these shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Section 164. Qualified Trafficking in Persons. – The acts of trafficking in persons under Section 6 of the Act shall be considered as qualified trafficking:

- (a) When the trafficked person is a child; *Provided*, That acts of OSAEC shall be without prejudice to appropriate investigation and prosecution under other related laws;
- (b) When the adoption is effected through R.A. No. 8043 (Inter-Country Adoption Act of 1995) and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
- (d) When the offender is a spouse, an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
- (e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- (f) When the offender is a member of the military or law enforcement agencies;
- (g) When by reason or on occasion of the act of TIP, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS);
- (h) When the offender, commits one or more acts of trafficking under Section 4 of the Act 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 TIP;
- (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 TIP; or
- (o) When the act is committed by or through the use of ICT or any computer system.

Under Section 10(e) of the Act, any person found guilty of qualified trafficking shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00).

Article 2

Application of Penalties and Other Sanctions

Section 165. *Application of Penalties and Other Sanctions.* (a) In every case, conviction shall cause and carry the automatic revocation of the license or registration of the recruitment agency involved in TIP. When the trafficked person is a child, the license of a recruitment or manning agency 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 parent or guardian. The refund shall be independent of and in addition to the indemnification or damages sustained by the underage migrant worker. The refund shall be paid within thirty (30) days from the date of the mandatory repatriation.

(b) Any person who files a complaint against another for violations of the 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 wire-tapping, 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).

(c) 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;

(d) The registration with the Securities and Exchange Commission (SEC) or the 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 of the Act, 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;

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

(f) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counselling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under the Act. The concerned government 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;

(g) 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

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

Section 166. Confiscation and Forfeiture of the Proceeds and Instruments Derived from TIP. In addition to the penalty imposed for the violation of the Act, the court shall order the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act; *Provided, however*, that all awards for damages shall be taken from the personal and separate properties of the offender; *Provided*,

further, That if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

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

RULE X FINAL PROVISIONS

Article 1 Appropriations and Other Funding Sources

Section 167. *Funding.* The amount necessary to implement the provisions of the Act shall be charged against the current year's appropriations of the Council under the budget of the DOJ and the appropriations of the other concerned departments. Thereafter, such sums necessary for the continued implementation of the Act shall be included in the annual General Appropriations Act.

Section 168. *Additional funds for the Council.* The amount collected from every penalty, fine or asset derived from any violation of the Act shall be earmarked as additional funds for the use of the Council. The fund may be augmented by grants, donations and endowment from various sources, domestic or foreign, for purposes related to their functions, subject to the existing accepted rules and regulations of the Commission on Audit.

Section 169. *Establishment of a Trust Fund; Sources.* The Council shall establish and manage a Trust Fund which shall be sourced from all fines imposed under the Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 of the Act, 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 TIP and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society.

Section 170. *Utilization.* The Trust Fund shall be used exclusively for programs that will prevent acts of TIP and assist, protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but not limited to the following:

- (a) Provision for mandatory services set forth in Section 23 of the Act;

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

The Trust Fund may also be used to support the operations of the Secretariat.

Section 171. *Augmentation of agency funds.* Subject to existing government accounting and auditing rules and regulations, the Council may augment agency and member-NGO funds for implementation of special programs and services for trafficked persons.

Section 172. *Use and Disbursement of Trust Fund.* The use and disbursement of the Trust Fund shall be subject to the approval of at least two-thirds (2/3) of the members of the Council and shall be governed by existing government accounting and auditing rules and regulations.

Section 173. *Inclusion in Agency Appropriations.* The heads of department, agencies concerned and LGUs shall include in their annual appropriations the funding necessary to implement programs and services required by the Act and these rules and regulations.

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

Article 2 Miscellaneous

Section 174. *Saving Clause.* The provisions of R.A. No. 7610 remain applicable and shall not in any way be amended or repealed by the provisions of the Act.

Section 175. *Amendment.* This *Implementing Rules and Regulations (IRR)* maybe amended, modified or supplemented by the Council when necessary for effective implementation and enforcement of R.A. No. 9208, as amended.

Section 176. *Separability Clause.* The declaration of invalidity of any part of the rules and regulations or part thereof shall not affect the validity of the remaining provisions.

Section 177. *Repealing Clause.* Pertinent provisions of rules, regulations, and resolutions contrary to or inconsistent with the provisions of the Act and this IRR are hereby repealed or modified accordingly.

Section 178. *Effectivity.* These rules and regulations shall take effect fifteen (15) days after its complete publication in the Official Gazette.

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