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Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Metro Manila

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Twelfth Congress

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First Regular Session

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House Bill No. 4432

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Introduced by Hon. Angara-Castillo, de Venecia, Jr., Joaquin, Lagman-Luistro, Antonino-Custodio, Singson, Soon-Ruiz, Maza, Beltran, Ocampo, Joson, Andaya, del Mar, Ablan, Jr., Villarama, Villareal, Albano, Uy (E.), Espina, Rodriguez (O.), Zialcita, Punzalan, Badelles, Espino, Cari, Rosales, Silverio, Nicolas, Suarez,, Biazon, Leviste, Jaraula, Lapus, Lopez (J.), Syjuco, Cuenco, Cruz-Ducut, Duavit, Sandoval (F.), Chipeco, Bueser, Cojuangco (C.), Echiverri, Ecleo, Tulagan, Castelo Daza, and Reyes (V.).

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**AN ACT**  
**TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS**  
**ESPECIALLY WOMEN AND MINORS, ESTABLISHING THE NECESSARY**  
**INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT**  
**OF VICTIMS OF TRAFFICKING, PROVIDING PENALTIES THEREFOR,**  
**AND FOR OTHER PURPOSES**

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

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**SECTION 1. *Title.*** - This Act shall be known as *the “Anti-Trafficking in Persons Act of 2002”*.

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**SEC. 2. *Declaration of State Policies.*** - It is hereby declared that the State values the dignity of every human person and guarantees full respect for human rights. Likewise, the State recognizes the equal rights of men and women. In pursuit of this, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity. Persons, especially women and minors shall be afforded protection against violence and exploitation, and

1 definite measures taken to eliminate the trafficking in persons especially women and  
2 minors.

3 It shall likewise be the policy of the State to promote an active and visible  
4 policy of mainstreaming gender perspective in all efforts aimed at addressing the  
5 attendant issues to migration and violence against women and minors.

6 Special recognition shall be given to the vulnerability of women and minors  
7 and they shall be afforded special protection.

8 Specific measures will be instituted not only to support victims of trafficking  
9 but more importantly, to mitigate pressures for involuntary migration and servitude  
10 including but not limited to unemployment, lack of income generation opportunities,  
11 deception, misleading information and illiteracy that force persons especially women  
12 and minors in the rural areas and urban poor communities into involuntary migration  
13 and servitude.

14 It shall be a State policy to recognize the equal rights and inherent human  
15 dignity of women and men as enshrined in the United Nations Universal Declaration  
16 of Human Rights, Convention on the Elimination of All Forms of Discrimination  
17 Against Women, Convention for the Suppression of the Traffic in Persons and of the  
18 Exploitation of the Prostitution of Others, The United Nations Convention on the  
19 Rights of the Child, the Convention on the Protection of Migrant Workers and their  
20 Families, the 1993 Vienna Declaration of Human Rights; the Beijing Declaration and  
21 Platform for Action, UN Resolution on Trafficking in Women and Girls, Violence  
22 Against Women Migrant Workers, Convention Against Transnational Crime  
23 Including its Protocols to Prevent, Suppress and Punish Trafficking in Persons,  
24 Especially Women and Children and Protocol Against the Smuggling of Migrants by  
25 Land, Sea and Air and all other relevant and universally accepted human rights

1 instruments and other international Conventions to which the Philippines is a  
2 signatory.

3 It shall be a State policy to bring national law and practice into compliance  
4 with international standards so as to ensure full protection and assistance to women in  
5 their whole life cycle towards the full realization of their civil, political, economic and  
6 cultural rights and fundamental freedoms.

7 **SEC. 3. *Definition of Terms.*** -

8 (a) Trafficking in persons - refers to the recruitment, transportation, transfer or  
9 harbouring or receipt of persons with or without the victim's consent or  
10 knowledge through legal or illegal means, within or across national borders by  
11 means of threat or use of force or other forms of coercion, abduction, fraud,  
12 deception, abuse of power or of position, taking advantage of the vulnerability of  
13 the person, or, the giving or receiving of payments or benefits to achieve the  
14 consent of a person having control over another person, for the purpose of  
15 exploitation which includes at a minimum, the exploitation or the prostitution of  
16 others or other forms of sexual exploitation, forced labour or services, slavery or  
17 practices similar to slavery, servitude or the removal or sale of organs.

18 The recruitment, transportation, transfer, harbouring or receipt of a minor  
19 for the purpose of exploitation shall also be considered as "trafficking in persons"  
20 even if it does not involve any of the means set forth in the preceding paragraph.

21 (b) Minors - refer to persons below eighteen years of age or if eighteen years or over  
22 are unable to fully take care or protect themselves from abuse, neglect, cruelty,  
23 exploitation or discrimination because of a physical or mental disability or  
24 condition.

- 1 (c) Prostitution - is any act, transaction, scheme or design involving the use of a  
2 person whether woman, man or minor, for the sexual gratification, exploitation or  
3 pleasure of another in exchange for cash, profit or other consideration, or any act  
4 which promotes or facilitates the accomplishment of the said act, transaction,  
5 scheme or design.
- 6 (d) Work or Service - includes all forms of work or service rendered, regardless of  
7 whether the work or service is covered by a written or oral contract.
- 8 (e) Forced Labor and Slavery-Like Practices - refer to the extraction of work or  
9 services from any person by means of enticement, violence, intimidation or threat,  
10 use of force or coercion, including deprivation of freedom, abuse of authority or  
11 moral ascendancy, debt-bondage, or deception.
- 12 (f) Mail-Order Bride Scheme - is the process of matching for a fee, profit, or any  
13 material and economic consideration, Filipino women for marriage to foreign  
14 nationals through the use of various recruitment and advertising activities or  
15 techniques, utilizing various platforms for communication such as tri-media  
16 facilities, information technology, and even personalized marketing or direct  
17 selling.
- 18 (g) Sex Tourism - refers to a program organized by travel and tourism-related  
19 establishments and individuals which consists of tourism packages or activities,  
20 utilizing and offering escort and sexual services of women and minors as  
21 enticement for tourists. This includes services and practices offered during rest  
22 and recreation periods for members of the military.
- 23 (h) Trafficking through recruitment for employment - refers to activities characterized  
24 by slavery-like conditions, or sexual servitude, in violation of UN conventions;

- 1 (i) Debt-bondage - refers to the pledging of personal services or labor of a person
- 2 indefinitely as security for a debt when the length and nature of the services is not
- 3 clearly defined, and
- 4 (j) Women and minors caught in armed conflict and women in detention - refer to
- 5 those under the military or custodial forces, they being identified as "comfort
- 6 women", locally or in a foreign country.

7 **SEC. 4. *Inter-Agency Council Against Trafficking.*** - In pursuance of the  
8 above-mentioned policy, there is hereby established an Inter-Agency Council Against  
9 Trafficking, hereinafter known as the Council, which shall be composed of the  
10 Secretary of the Department of Social Welfare and Development (DSWD), as  
11 Chairman, the Secretary of Foreign Affairs (DFA), as Co-chairman and the following  
12 as members:

- 13 (a) Secretary, Department of Labor and Employment (DOLE);
- 14 (b) Secretary, Department of Tourism (DOT);
- 15 (c) Secretary, Department of Education (DepEd);
- 16 (d) Secretary, Department of Justice (DOJ);
- 17 (e) Secretary, Department of Health (DOH);
- 18 (f) Secretary, Department of the Interior and Local Government (DILG);
- 19 (g) Chairperson, Commission on Human Rights (CHR);
- 20 (h) Chairperson, National Commission on the Role of Filipino Women
- 21 (NCRFW);
- 22 (i) Administrator, National Statistics Office (NSO);
- 23 (j) Commissioner, Commission on Higher Education (CHED);
- 24 (k) Executive Director, Philippine Information Agency (PIA);
- 25 (l) Executive Director, Commission on Filipinos Overseas (CFO);

1 (m) Executive Director, Philippine Center on Transnational Crime (PCTC);

2 (n) Administrator, Philippine Overseas Employment Administration  
3 (POEA);

4 (o) Administrator, Overseas Worker's Welfare Administration (OWWA);

5 (p) Three (3) representatives from non-government organizations  
6 (NGOs), who shall be composed of one representative each from among the sectors  
7 representing women, Overseas Filipino Workers (OFW) and children with a track  
8 record of involvement in the prevention and suppression of trafficking in persons.

9 These representatives shall be nominated by the government agency representatives of  
10 the Council created herein, for appointment by the President for a term of three (3)  
11 years.

12 The Members of the Council may designate their duly authorized  
13 representative to meetings who shall have a rank not lower than an Assistant  
14 Secretary or its equivalent, and shall receive emoluments as may be determined by the  
15 Council in accordance with existing budget and accounting rules and  
16 regulations.

17 **SEC. 5. Functions of the Council.** - The Council shall have the following  
18 powers and functions:

19 (a) Formulate a comprehensive program to eliminate the trafficking in  
20 persons;

21 (b) Formulate comprehensive programs and promulgate rules and regulations  
22 necessary for the effective implementation of this Act;

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

24 (d) Coordinate the programs and projects of the various member agencies to

1 effectively address the issues and problems attendant to trafficking in women and  
2 minors;

3 (e) Direct other agencies to immediately respond to the problems brought to  
4 their attention and report to the council on action taken;

5 (f) Coordinate the conduct of massive information dissemination and  
6 campaign on the existence of this Act and the various issues and problems attendant  
7 to trafficking through the LGUs, NGOs and other agencies concerned.

8 (g) Recommend to file cases against individuals, agencies, institutions, or  
9 establishments that violate the provisions of this Act;

10 (h) Formulate a program for the re-integration of victims of trafficking in  
11 cooperation with DOLE, TESDA, CHED, DSWD, LGUs and NGOs;

12 (i) Take steps through the Local Government Units to intensify the  
13 apprehension of local violations of Article 341 of the Revised Penal Code, and to  
14 receive the fines exacted from them;

15 (j) Secure from any department, bureau, office, agency, or instrumentality of  
16 the government such assistance as may be needed;

17 (k) Complement the shared government system for migration established  
18 under Republic Act No. 8042, otherwise known as the "Migrant Workers and  
19 Overseas Filipinos Act of 1995", with the data on cases of trafficking in persons, and  
20 ensure that the proper agencies undertake a continuing research and study on the  
21 patterns and scheme of trafficking in persons which shall form the basis for  
22 policy formulation and program direction;

23 (l) Develop the mechanism to ensure the timely, coordinated, and effective  
24 response to cases of trafficking and sexual exploitation in persons;

1 (m) Recommend measures to eliminate international trafficking in Filipino  
2 women and minors through bilateral or of multilateral arrangements;

3 (n) Coordinate with the Department of Transportation and Communications  
4 (DOTC), Department of Trade and Industry (DTI) and NGOs in monitoring the  
5 promotion of advertisements in the internet; and

6 (o) Exercise all the powers and perform such other functions necessary to  
7 attain the purposes and objectives for which the Council is organized.

8 **SEC. 6. *Secretariat to the Council*** - The Department of Social Welfare and  
9 Development shall establish the necessary secretariat for the Council.

10 **SEC. 7. *Programs that Address Trafficking in Persons..***- The  
11 Government shall establish and implement counseling and other programs for victims  
12 of trafficking, forced labor and prostitution. For this purpose, the following agencies  
13 are hereby mandated to implement the following programs:

14 (a) Department of Foreign Affairs (DFA) - shall make available its  
15 resources and facilities overseas for victims of trafficking regardless of their manner  
16 of entry to the receiving country, and explore means to further enhance its assistance  
17 in eliminating trafficking activities through closer networking with government  
18 agencies in the country and overseas.

19 (b) Department of Social Welfare and Development (DSWD) - shall  
20 implement rehabilitative and protective programs for victims of trafficking. It shall  
21 provide temporary shelter to victims of trafficking and develop a system for  
22 accreditation among nongovernment organizations (NGOs), local government units  
23 (LGUs) and people's organizations (POs) for purposes of establishing centers and  
24 programs for intervention in various levels of the community.

1 (c) Department of Labor and Employment (DOLE) - shall, in close  
2 coordination with Philippine Overseas Employment Agency (POEA), ensure the strict  
3 implementation of, and compliance with, rules and guidelines relative to the  
4 employment of women, locally and overseas. It shall likewise monitor, document and  
5 report cases of trafficking in persons especially women and minors, involving labor  
6 recruiters and recommend filing of appropriate sanctions to the Department of Justice  
7 (DOJ).

8 (d) Department of Tourism (DOT) – shall formulate preventive measures  
9 and enforce them to stop sex tourism packages which contribute to the increase in the  
10 trafficking of persons.

11 (e) The Department of Education (DepEd) and the Commission  
12 on Higher Education (CHED) – shall integrate in the subject on social studies core  
13 messages on migration and trafficking in elementary, secondary and  
14 tertiary levels with emphasis on their implications and social costs to persons and  
15 country.

16 (f) Department of Justice (DOJ) – shall conduct investigations and initiate  
17 the filing of complaints involving trafficking in persons as defined in this Act  
18 and shall ensure the prosecution of guilty parties and establish a mechanism for free  
19 legal assistance for victims of trafficking. Such mechanism must include coordination  
20 with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and  
21 volunteer groups.

22 (g) Department of Health (DOH) – shall make available its resources and  
23 facilities in providing confidential health care of victims of trafficking.

24 (h) Department of the Interior and Local Government (DILG) – shall institute  
25 a systematic information and prevention campaign and likewise maintain a databank

1 for the effective monitoring, documentation and prosecution of cases on trafficking in  
2 persons.

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

13 (j) Commission on Filipinos Overseas (CFO) - shall establish and  
14 implement a pre-marriage, on-site, and pre-departure counseling program for women  
15 on intermarriages, as authorized under its existing mandate and structure. For  
16 this purpose, it shall establish a network of service providers from the national  
17 government, LGUs, civic and private organizations, and other community workers for  
18 purposes of providing accessible pre-marriage counseling services to the public. This  
19 network shall be developed and operationalized through a system of accreditation to  
20 be undertaken by CFO. It shall establish the necessary guidelines, rules and  
21 regulations for this purpose.

22 The CFO shall continue to conduct guidance and counseling services as a  
23 pre-departure requirement, and as a pre-requisite to the issuance of passports to  
24 Filipino fiancées and spouses of foreign nationals. It shall develop and implement  
25 guidance and counseling services locally and abroad, through an expanded system of

1 representation, in order to adequately prepare Filipino fiancées and spouses of foreign  
2 nationals for their settlement and integration overseas and extend necessary  
3 intervention to Filipinos in intermarriages in times of distress.

4 (k) Commission on Human Rights (CHR) – shall conduct advocacy and  
5 training programs relating to anti-trafficking, monitor the flow of cases during trial  
6 and grant financial assistance to victims of trafficking.

7 (l) National Commission on the Role of Filipino Women (NCRFW) – shall  
8 actively participate and coordinate the formulation and monitoring of policies  
9 addressing the issue of trafficking in women and minors in its policy documents as  
10 well as its special concerns. It shall likewise advocate for the inclusion of the issue of  
11 trafficking in persons especially women and minors in both its local and international  
12 advocacy for women's issues.

13 (m) Bureau of Immigration (BI) – shall ensure compliance by the Filipino  
14 fiancées and spouses of foreign nationals traveling abroad to assume permanent  
15 residency with the guidance and counseling requirement as provided for in this Act.

16 The BI shall strictly adopt measures for the apprehension of suspected  
17 traffickers both at the place of arrival and departure.

18 (n) National Bureau of Investigation (NBI) – shall conduct surveillance,  
19 monitor and investigate recruiters, travel agencies, hotels and other establishments  
20 suspected to be engaged in trafficking in women and minors in coordination with the  
21 DSWD, the BI, LGUs, and NGOs; and take appropriate measures in the prosecution  
22 of violators.

23 (o) Philippine Overseas Employment Administration (POEA) – shall  
24 formulate and implement a system of providing legal and financial assistance to  
25 victims of trafficking who are undocumented, in addition to its original mandate.

1 (p) Philippine Center for Transnational Crime (PCTC) - shall establish a  
2 central database for information on criminal methodologies, arrests and convictions  
3 of persons or entities involved in trafficking in persons including strategic research for  
4 the formulation of individual and collective strategies for its prevention and detection.

5 The PCTC shall step up its coordination and cooperation with the International  
6 Police Organization (INTERPOL) in the elimination of transnational trafficking.

7 (q) Overseas Workers Welfare Administration (OWWA) - shall assist in the  
8 information and advocacy campaign to eliminate trafficking in persons especially  
9 women and minors at the Overseas Filipino Workers' Communities (OFW) here and  
10 abroad. It shall likewise assist in the documentation of trafficking cases particularly  
11 among OFW's and ensure the provision of the necessary reintegration package of  
12 services; i.e. repatriation, counseling, livelihood and legal services, among others.

13 **SEC. 8. Acts of Trafficking in Persons.** - It shall be unlawful for any person,  
14 natural or juridical, club, association, movement, cult, religious organization, or other  
15 similar entities to commit any of the following acts:

16 (a) To recruit a person for purposes of prostitution or forced labor and  
17 slavery-like practices, under any pretext of lawful domestic or overseas employment;

18 (b) To offer or contract marriage with women and minors for purposes of  
19 offering, selling, or trading him or her to engage in prostitution, or to subject him or  
20 her to forced labor or slavery-like practices;

21 (c) To introduce or match for a fee, profit, or any other material or economic  
22 consideration, any Filipino woman to a foreign national for marriage under a mail  
23 order bride scheme as provided under Republic Act No. 6955, otherwise known as the  
24 "Mail-Order Bride Law", for prostitution or forced labor or slavery-like practices,

1 making the preceding as aggravating circumstance, thereby making it punishable  
2 under this Act;

3 (d) To entice, encourage, persuade a person by fraud or by deceit, coercion,  
4 intimidation, or by abuse of any position of confidence or authority, or having legal  
5 charge, including use of parental, sibling, and other authority by family relationship,  
6 to engage in prostitution or forced labor and slavery-like practices;

7 (e) To maintain or hire a person to engage in prostitution under the pretext of  
8 tours and travel plans to the Philippines;

9 (f) To recruit persons especially women and minors to engage in prostitution  
10 with military forces;

11 (g) Through promises, threats, violence or any device or scheme, to procure,  
12 induce, persuade, entice a person to engage in prostitution or to work in a club, place  
13 of entertainment or establishment having reasonable cause to believe that such club,  
14 place of entertainment or establishment is used for any such purpose;

15 (h) To recruit through fraud, coercion, violence or deception a child, aged  
16 fifteen (15) years and below, to engage in armed activities here and abroad;

17 (i) To adopt or facilitate the adoption of Filipino minors pursuant to Republic  
18 Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995", or  
19 employ other similar practices for purposes of forced labor and slavery-like practices  
20 or prostitution;

21 (j) To send persons abroad under the guise of training or apprenticeship, for  
22 prostitution, forced labor or slavery-like practices;

23 (k) To recruit a person or to adopt a minor, whether through domestic or  
24 inter-country adoption, or through any other acts as enumerated above, with the end in  
25 view of removal or sale of the body organs of the recruited person or adopted minor;

1       **SEC. 9. *Other Forms of Trafficking.*** – The following related acts which  
2 promote trafficking in persons shall likewise be declared unlawful:

3       (a) to undertake tours and travel plans consisting of tourism packages or activities  
4       utilizing and offering persons for prostitution;

5       (b) to lease or sublease any dwelling house, with reasonable ground to believe that the  
6       lessee/sub-lessee will use it for prostitution, forced labor and slavery-like  
7       practices;

8       (c) to produce, print and issue or distribute unissued, tampered or fake counseling  
9       certificates, registration stickers and certificates of any government agency which  
10       issues these certificates and stickers as proof of compliance with government  
11       regulatory and pre-departure requirements;

12       (d) to advertise, publish, print or distribute or cause the advertisement, publication,  
13       printing, broadcasting or distribution of any brochure, flyer or any propaganda  
14       material, including through information technology, like the internet, that  
15       promotes trafficking in persons through marriage or other similar relationships  
16       with foreign nationals;

17       (e) to assist in the conduct of misrepresentation or fraud for purposes of facilitating  
18       the acquisition of clearances and necessary exit documents from government  
19       agencies that are mandated to provide pre-departure registration and services for  
20       departing persons;

21       (f) to facilitate, assist and help in the exit and entry from or to the country at airports  
22       and seaports, of persons who are in possession of unissued, tampered or fake  
23       travel documents; and

1 (g) to confiscate the passport, travel documents and other personal documents of  
2 victims of trafficking to prevent them from leaving the country or seeking redress  
3 from the government or appropriate agencies.

4 **SEC. 10. Confidentiality.** At any stage of the investigation, prosecution and  
5 trial of a complaint against trafficking in women and minors, the police officer,  
6 prosecutor, the judge, as well as the parties to the complaint shall recognize the right  
7 to privacy of the victim of trafficking or the accused. Towards this end, the police  
8 officer, prosecutor or the judge to whom the complaint has been referred may,  
9 whenever necessary to ensure fair and impartial proceeding, and after considering all  
10 circumstances for the best interest of the parties, order a closed-door investigation,  
11 prosecution or trial. The name and personal circumstances of the victim of trafficking  
12 or of the accused, or any other information tending to establish the identities and such  
13 circumstances or information on the complaint shall not be disclosed to the public.

14 It shall likewise be unlawful for any editor, writer or columnist, publisher,  
15 announcer or producer in case of television, producer, scriptwriter and director of a  
16 film in the case of the movie industry, to cause undue and sensationalized publicity of  
17 any case of trafficking in persons that may result to the moral degradation,  
18 humiliation and defamation of the victim of trafficking.

19 **SEC. 11. Prosecution of Cases.** Any person who has knowledge of the  
20 commission of any act as enumerated under this Act may file a complaint for  
21 trafficking.

22 **SEC. 12. Venue.** The criminal action arising from any of the acts enumerated  
23 herein shall be filed and prosecuted as provided for in the Rules of Criminal  
24 Procedure.

1           **SEC. 13. Penalties and Sanctions.** The following penalties and sanctions are  
2 hereby imposed for the offences enumerated in Sections 8 and 9 of this Act;

3           (a) Any person found guilty of committing any of the acts enumerated in  
4 Section 8 hereof shall suffer the penalty of *reclusion temporal* in its medium period to  
5 *reclusion perpetua* and a fine of not less than One Million Pesos (P1,000,000.00) nor  
6 more than Two Million Pesos (P2,000,000.00): Provided, That if the offender is  
7 an alien, he shall be immediately deported after service of sentence and be barred  
8 permanently from entering the country again;

9           (b) If the offender is an agency, corporation, association, club or  
10 establishment, or any place of entertainment committing any of the acts enumerated in  
11 Section 8, the owner, president, head, manager or any responsible official shall suffer  
12 the penalty of *reclusion temporal* in its medium period to *reclusion perpetua* and a  
13 fine of not less than Five Million Pesos (P5,000,000.00) but not more than Ten  
14 Million Pesos (P10,000,000.00). The registration with the Securities and Exchange  
15 Commission and license to operate of the agency, corporation, association, religious  
16 group, tour or travel agent, club or establishment, or any place of entertainment shall  
17 be cancelled and revoked permanently. The owner, president, manager or any other  
18 responsible official shall not be allowed to operate similar establishments in a  
19 different name. All the proceeds and profits of the offender shall be confiscated and  
20 the award for damages in favor of the victim of trafficking in the criminal or civil case  
21 shall constitute a lien thereon.

22           (c) Any person who shall commit any of the related acts as enumerated  
23 under Section 9 shall suffer the penalty of *prision mayor* in its medium period to  
24 *reclusion temporal* in its minimum period and a fine of not less than Five Hundred  
25 Thousand Pesos (P500,000.00) but not more than One Million Pesos (P1,000,000.00).

1 (d) Any employee or official of government agencies who shall knowingly  
2 issue or approve the issuance of travel exit clearances, passports, registration  
3 certificates, counseling certificates, marriage license, and other similar documents to  
4 persons, whether juridical or natural, recruitment agencies, establishments, or other  
5 individuals or groups, who fail to observe the prescribed procedures and the  
6 requirements as provided for by laws, rules, and regulations, shall be held  
7 administratively liable, without prejudice to possible criminal liability should the  
8 evidences indicate that they have directly or indirectly committed any of the offenses  
9 listed in Sections 8 and 9 of this Act.

10 (e) Any editor, publisher, writer or columnist, announcer or producer in  
11 case of television, producer, scriptwriter and director of a film in the case of the  
12 movie industry, tri-media facilities and information technology, who violate Section  
13 10 of this Act shall be liable for damages.

14 **SEC. 14. *Aggravating Circumstances.*** When the victim of trafficking is a  
15 minor below twelve (12) years of age or when the crime is committed by a syndicate  
16 or in a large scale, the penalty imposed on both cases shall be in its maximum period.

17 When the offender is an ascendant, parent or guardian of the victim of  
18 trafficking, the penalty to be imposed shall be in its maximum period.

19 Trafficking is deemed committed by a syndicate if carried out by a group of  
20 three (3) or more persons conspiring with one another. It is deemed committed in a  
21 large scale if committed against three (3) or more persons, individually or as a group.

22 Similarly, when trafficking is made in the guise of marriage under Section 8  
23 par. (c) or adoption under Section 8 par. (i) of this Act, the penalty to be imposed shall  
24 be in its maximum period.

1           When by reason or on occasion of the trafficking, the person has become  
2 insane, has suffered physical mutilation, or has been inflicted with Human  
3 Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome  
4 (AIDS), the penalty shall be in its maximum period.

5           **SEC. 15. *Who are liable.*** The persons criminally liable for the above offenses  
6 are the principals, accomplices, and accessories as defined by the Revised Penal Code  
7 of the Philippines. In case of a juridical person, the officers having control,  
8 management, or direction of their business shall be held criminally liable.

9           **SEC. 16. *Damages for Victims of Trafficking.*** Perpetrators of trafficking  
10 shall be liable for damages, The recovery for civil liability is impliedly instituted with  
11 the criminal action, unless the victim of trafficking waives the civil action, reserves  
12 the right to institute it separately, or institutes the civil action prior to the criminal  
13 action. In both cases the victim of trafficking shall be exempt from payment of filing  
14 fees.

15           **SEC. 17. *Prescriptive Period.*** Trafficking cases under this Act shall  
16 prescribe in ten (10) years: Provided, however, That trafficking cases committed by a  
17 syndicate or in a large scale as defined under Section 14 shall prescribe in twenty  
18 (20) years.

19           The prescriptive period shall commence to run from the day on which the  
20 victim of trafficking is delivered or released from the conditions of bondage and shall  
21 be interrupted by the filing of the complaint or information and shall commence to run  
22 again when such proceedings terminate without the accused being convicted or  
23 acquitted or are unjustifiably stopped for any reason not imputable to the accused.

24           **SEC. 18. *Legal Protection Victims of Trafficking.*** Victims of trafficking  
25 shall not be imprisoned or detained for crimes committed directly related to the acts of

1 trafficking enumerated above or in obedience to the order made by the trafficker in  
2 relation thereto.

3 **SEC. 19. *Preferential Entitlement Under the Witness Protection Program.***

4 Any provision of Republic Act No. 6981 to the contrary notwithstanding, any victim  
5 of trafficking shall be entitled to the witness protection program provided thereunder.

6 **SEC. 20. *Other Services for Victims of Trafficking.***

7 (a) Legal Assistance Fund - The victims of trafficking shall be considered  
8 under the category "Overseas Filipino in Distress" and may avail of the Legal  
9 Assistance Fund created by Republic Act No. 8042, subject to guidelines as provided  
10 by law.

11 (b) The Country Team Approach- The country team approach under  
12 Executive Order No. 74 of 1993, shall be operational scheme under which Philippine  
13 Embassies abroad shall provide protection to victims of trafficking insofar as the  
14 promotion of their welfare, dignity and fundamental rights are concerned.

15 (c) Overseas Filipino Resource Centers - The services available to  
16 overseas Filipinos as provided for by Republic Act No. 8042 shall also be extended  
17 to victims of trafficking regardless of their status in the receiving country.

18 **SEC. 21. *Repatriation of Victims of Trafficking.*** - The DFA with the  
19 Overseas Workers and Welfare Administration (OWWA) shall have the primary  
20 responsibility for the repatriation of victims of trafficking.

21 **SEC. 22. *Reporting Requirements.*** - The Council created under this Act shall  
22 submit to the President of the Philippines and to Congress an annual report on the  
23 policies, programs, and activities relative to the implementation of this Act.

24 **SEC. 23. *Funding.*** - The heads of the departments and agencies concerned  
25 shall immediately include in their programs and issue such rules and regulations to

1 implement the provisions of this act, the funding of which shall be included in the  
2 Annual General Appropriations Act. For local government units (LGUs), the  
3 funding requirements shall be taken from their Internal Revenue Allotment (IRA) and  
4 other LGU income.

5 **SEC. 24. *Implementing Rules and Regulations.*** - The appropriate member  
6 agencies of the inter-agency council against trafficking shall formulate the necessary  
7 implementing rules and regulations within sixty (60) days upon the effectivity of this  
8 Act.

9 **SEC. 25. *Non-restriction of Freedom of Speech and of Association.*** -  
10 Nothing in this Act shall be interpreted as a restriction of the freedom of speech and  
11 of association for purposes not contrary to law as guaranteed by the Constitution.

12 **SEC. 26. *Separability Clause.*** - If, for any reason, any section or provision  
13 of this Act is held unconstitutional or invalid, the other sections or provisions hereof  
14 not affected thereby shall remain in full force and effect.

15 **SEC. 27. *Repealing Clause.*** - All laws, presidential decrees, executive  
16 orders, and rules and regulations, or parts thereof, inconsistent with the provisions of  
17 this Act, are hereby repealed or modified accordingly.

18 **SEC. 28. *Effectivity.*** - This Act shall take effect fifteen (15) days from the  
19 date of its publication in at least two (2) national newspapers of general circulation.

20 **APPROVED.**