

ORDINANCE NO. ____

**AN ORDINANCE
TO IMPLEMENT AND ENFORCE THE PROVISIONS OF RA 9208, OTHERWISE KNOWN AS
THE ANTI – TRAFFICKING ACT OF 2003 AND ITS IMPLEMENTING RULES AND
REGULATIONS AND FOR OTHER PURPOSES**

RECOGNIZING that the Philippine government has declared its full support for the international community's campaign to fight trafficking in persons, especially women and children;

REALIZING that persons especially women and children need to be afforded protection against violence and exploitation, and concrete measures should be taken to eliminate trafficking of these vulnerable sectors of the community;

ACKNOWLEDGING that the Anti-Trafficking in Persons Act of 2003, which serves as the national framework to address trafficking issues and concerns, has been signed into law on 26 May 2003;

CONSIDERING that trafficking in persons should be directly addressed by this Sangguniang XX to help prevent xx (name of LGU) as a source, transit point, or destination of trafficking victims;

Be it enacted by the Sangguniang xx of xx:

SECTION 1. Title. - This Local Ordinance shall be known as the "Anti-Trafficking in Persons Ordinance of 200x".

SEC. 2. Definition of Terms. - As used in this Ordinance: (as defined in RA 9208)

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

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

(b) Child - refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

(c) Prostitution - refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

(d) Forced Labor and Slavery - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

(e) Sex Tourism - refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.

(f) Sexual Exploitation - refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.

(g) Debt Bondage - refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.

(h) Pornography - refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

SEC. 3. Support Services and Programs that Address Trafficking in Persons - The (LGU) shall undertake the following programs and activities:

(a) Implement the mandatory services enumerated in Section 23 of RA 9208;

(b) Develop and disseminate information materials on anti-trafficking;

(c) Train (LGU) personnel involved in programs against trafficking in persons;

(d) Institute or strengthen support services and programs;

(e) Develop and sustain the Migrant Advisory and Information Network (MAIN);

(f) Establish a system of referral, monitoring and reporting of trafficking cases using the prescribed standard reporting form;

(g) Conduct inspection, in coordination with proper authorities, of houses, buildings or establishments suspected of being used for trafficking activities;

(h) Institute a reward scheme for those who have provided any information that led to the suppression/prevention of trafficking activities and apprehension of persons involved therein;

- (i) Undertake other related activities at the local level.

SEC. 4. Local Committee on Anti-Trafficking – A local committee on anti-trafficking shall be constituted. The committee shall be chaired by the CHAIR OF THE COMMITTEE ON WOMEN AND CHILDREN of the *Sanggunian* and shall be composed of the local counterparts, whenever available, of the national government agencies, where applicable, which are members of the Inter Agency Council Against Trafficking (IACAT) enumerated in Section 20 of RA 9208

Department of Justice (DOJ)

Department of Social Welfare and Development (DSWD)

Department of Foreign Affairs (DFA)

Department of Labor and Employment (DOLE)

Philippine Overseas and Employment Administration (POEA)

Bureau of Immigration (BI)

Philippine National Police (PNP)

National Commission on the Role of Filipino Women (NCRFW)

The following, who shall be appointed by the Local Chief Executive for a term of three years, from among the nominees of the *Sanggunian*, shall also be members of the Local Committee:

- (a) xxx representatives of accredited NGOs/POs; and
- (b) xxx representatives from the Barangay Human Rights Action Centers.

SEC. 5. Functions of the Local Committee on Anti-Trafficking- The Committee shall:

- (a) Coordinate (LGU) programs and activities related to the campaign against trafficking;
- (b) Propose and recommend policies and regulations on anti-trafficking to the *Sanggunian*;
- (c) Monitor and review policies, programs, projects and activities on anti-trafficking;

SEC. 6. Coordination with Local Offices Of National Agencies Involved In the Anti-Trafficking In Persons Campaign – The Local Committee shall coordinate with the local offices of the national agencies enumerated below or their local offices to ensure that they perform their responsibilities provided under Section 16 of RA 9208.

(a) Department of Foreign Affairs (DFA) - shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs.

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

It shall establish and implement a pre-marriage, on-site and pre-departure counseling program on intermarriages.

(b) Department of Social Welfare and Development (DSWD) shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community.

(c) Department of the Interior and Local Government (DILG) – shall institute a systematic information and prevention campaign and likewise maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons.

(d) Department of Labor and Employment (DOLE) - shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.

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

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

(g) Philippine National Police (PNP) – shall be the primary law enforcement agency to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. It shall closely coordinate with various law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. It shall also establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations.

(h) Philippine Overseas Employment Administration (POEA) - shall implement an effective pre-employment orientation seminars and pre-departure counseling programs to applicants for overseas employment. It shall likewise formulate a system of providing free legal assistance to trafficked persons.

(i) National Commission on the Role of Filipino Women (NCRFW) - shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons especially women and children in both its local and international advocacy for women's issues.

The Local Committee shall likewise coordinate with the following agencies:

(a) Commission on Filipinos Overseas (CFO) - shall assist in the establishment and implementation of a pre-marriage, on-site and pre-departure counseling program on intermarriages. For this purpose; it shall establish a network of service providers from the national government, local government units, civic and private organizations, and other community workers for purposes of providing accessible pre-marriage counseling services to the public. This network shall be developed and operationalized and shall be carried out in the context of complementing the efforts of various stakeholders. It shall establish the necessary guidelines,

rules and regulations for this purpose.

The CFO shall continue to conduct guidance and counseling services as a pre-departure requirement, and as a pre-requisite to the issuance of passports to Filipino fiancées and spouses of foreign nationals for their settlement and integration overseas and extend necessary intervention to Filipinos in intermarriages in times of distress.

(b) Philippine Center for Transnational Crime (PCTC) - shall establish a concerted, synchronized and focused effort from all law enforcement, intelligence and other concerned agencies of the government for the prevention and control of trafficking in persons. It shall also establish a shared database of information on criminals, methodologies, arrests and convictions on this transnational crime. The PCTC shall step-up coordination and cooperation with the International Police Organization (Interpol) in the suppression of transnational trafficking.

(c) Overseas Workers Welfare Administration (OWWA) - shall assist in the information and advocacy campaign among Overseas Filipino Workers (OFWs) to prevent trafficking in persons. It shall likewise assist in the documentation of cases of trafficking and ensure the provision of its programs and services to OFWs and their families.

(d) National Police Commission (Napolcom) – shall formulate rules and guidelines relative to the role of the PNP in illegal trafficking of women and children, and shall formulate memoranda, circulars and resolutions regarding the administrative liability of the uniformed personnel of the PNP who will be found guilty under this law.

(e) Department of Education (Dep Ed) and Commission on Higher Education (CHED) - shall integrate in the subject on social studies core messages on migration and trafficking in elementary, secondary and tertiary levels with emphasis on their implications and social costs to persons and country.

(f) Technical Education and Skills Development Authority (TESDA) – shall provide skills and entrepreneurial training to trafficked victims and formulate a special program to ensure the provision of appropriate skills training for trafficked victims.

SEC. 7. Coordination with Other Government Agencies, NGOs and POs - The (LGU) shall coordinate with Other Government Agencies, Non-Government Organizations and People's Organizations engaged in anti-trafficking activities.

SEC. 8. Appropriations - For the effective implementation of this Ordinance, an initial appropriation of xx Pesos (Pxx) is hereby appropriated. Thereafter, xx% from the Gender and Development (GAD) Funds of the IRA and a minimum of 10% of the GAD Funds from any Official Development Assistance (ODA) shall form part of the annual appropriations. In addition, xx percent of collection of license fees for operation of establishments involved in entertainment and amusement shall be utilized for support programs and services related to trafficking in persons.

SEC. 9. Effectivity - This Ordinance shall take effect fifteen (15) days after its publication in at least one (1) newspaper accredited by the Sanggunian.

Approved,