

[REPUBLIC ACT NO. 9208, May 26, 2003]

**AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING
IN PERSONS ESPECIALLY WOMEN AND CHILDREN,
ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS
FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS,
PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER
PURPOSES**

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

SECTION 1. *Title.* — This Act shall be known as the "Anti-Trafficking in Persons Act of 2003."

SEC. 2. *Declaration of Policy.* — It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society. It shall be a State policy to recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.

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

- 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 persons, 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 establishment 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.
- i. *Council* - shall mean the Inter-Agency Council Against Trafficking created under Section 20 of this Act.

SEC. 4. *Acts of Trafficking in Persons.* — It shall be unlawful for any person, natural or judicial, to commit any of the following acts.

- a. To recruit, transport, transfer, harbor, provide, 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 exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- b. To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino women 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;
- c. 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;
- d. 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;
 - e. To maintain or hire a person to engage in prostitution or pornography;
 - f. To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
 - g. To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and
 - h. To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

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

- a. To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;
- b. To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issued these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;
- c. 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 trafficking in persons;
- d. 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 mandate to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;
- e. To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;
- f. To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies; and
- g. 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.

SEC. 6. *Qualified Trafficking in Persons.* — The following are considered as qualified trafficking:

- a. When the trafficked person is a child;
- b. When the adoption is effected through Republic Act No. 8043, otherwise known as the "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 an ascendant, parent, sibling, guardian or a person who exercise 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; and
 - g. When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

SEC. 7. *Confidentiality.* — At any stage of the investigation, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person and the accused. Towards this end, law enforcement officers, 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 name and personal circumstances of the trafficked person or of the accused, or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public. In cases when prosecution or trial is conducted behind closed-doors, it shall be unlawful for 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 information technology to cause publicly of any case of trafficking in persons.

SEC. 8. *Prosecution of Cases.* — Any person who has personal knowledge of the commission of any offense under this Act, the trafficked person, the parents, spouse, siblings, children or legal guardian may file a complaint for trafficking.

SEC. 9. *Venue.* — A criminal action arising from violation of this Act shall be filed where the offense was committed, or where any of its elements occurred, or where the trafficked person actually resides at the time of the commission of the offense: *Provided,* That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

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

- a. Any person found guilty of committing any of the acts enumerated in Section 4 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. Any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
 - c. Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);
 - d. Any person who violates Section 7, hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
 - e. If the offender is a corporation, partnership, association, club, establishment or any judicial person, the penalty shall be imposed upon the owner, president, partner, manager; and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;
 - f. The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in different name;
 - g. If the offender is a foreigner, he shall be immediately deported after serving his sentence and be barred permanently from entering the country;
 - h. Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether judicial or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirements as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His/her retirement and other benefits shall likewise be forfeited; and
 - i. Conviction by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.

SEC. 11. *Use of Trafficked Persons.* — Any person who buy or engages the services of trafficked persons for prostitution shall be penalized as follows:

- a. First offense - six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and
- b. Second and subsequent offenses - Imprisonment of one (1) year and a fine of One hundred thousand pesos (P100,000.00).

SEC. 12. *Prescriptive Period.* — Trafficking cases under this Act shall prescribe in ten (10) years: *Provided, however,* That trafficking cases committed by a syndicate or in a large scale as defined under Section 6 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 and shall be interrupted by the filing of the complaint or information and shall commence to run