



CITY ORDINANCE NO. 385

March 31, 2005

**AN ORDINANCE ESTABLISHING MECHANISMS FOR THE IMPLEMENTATION OF REPUBLIC ACT NO. 9208 OR THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003" AND FOR SUCH OTHER PURPOSES.**

**WHEREAS**, the Republic of the Philippines has enacted Republic Act No. 9208 or 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, and the short title of said law is the "Anti-Trafficking in Persons Act of 2003",

**WHEREAS**, the City of Bacolod values the dignity of every human person and guarantees the respect of individual rights and that in pursuit of this policy, the City of Bacolod 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;

**WHEREAS**, it shall be a policy of the City of Bacolod 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 Nation 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;

**WHEREAS**, under Section 19 of the Implementing Rules and Regulations or RA 9208, Bacolod City has the responsibility to monitor and document cases of trafficked persons in its area of jurisdiction; to effect the cancellation of licenses of establishments, which violate the provisions of the Act and ensure its effective prosecution, to undertake an information campaign against trafficking in persons; to encourage and support community-based initiatives, which address trafficking in persons; to provide basic social services for the prevention, rescue, recovery, rehabilitation and reintegration or after-care support services to victims of trafficking persons; to enact ordinances or issuances aimed at providing protection and support to trafficked persons and adopt measures to suppress trafficking in person; and to strengthen, activate and mobilize existing committees, council similar organizations and special bodies city and barangay levels to prevent and suppress trafficking.



**WHEREFORE**, let it be ordained, as it is hereby ordained, by the Sangguniang Panlungsod in session assembled that:

**Article 1. TITLE** This ordinance shall be known as "The Anti-Trafficking in Persons Ordinance of Bacolod City."

**Article 2. DEFINITION OF TERMS.** the following definition of terms are hereby adopted from Section 3 Republic Act No. 9208 except paragraph (j) as follows:

(a) **Trafficking in Persons** - refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victims 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 be considered as "trafficking in person" even if it does not involve any of the means set forth in the preceding paragraph.

(b) **Child** - refers to 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 consist of tourism packages or activities, utilizing and offering escort and sexual as enticement for tourist. This includes sexual services and practices offered during rest and recreation periods for members of the military.

(f) **Sexual Exploitation** - refers to the 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) **Pornographic** - 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) **Anti-trafficking in persons Committee (ATPC)** - a group of individuals duly constituted under this ordinance to assist the city government in performing its roles and responsibilities under Republic Act No. 9208 and its implementing rules and regulations.

**Article 3. SCOPE AND APPLICATION.** The Anti-Trafficking in Persons Committee shall address concerns and cases of trafficking and acts promoting trafficking based on Republic Act 9208, as follows:

**Section 1. Acts of Trafficking in Persons.** The following are considered as acts of trafficking in persons and 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, profit, or material, economic 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, slavery, and voluntary servitude or debt bondage.
- (c) To offer contract marriage, real or simulated for the purpose of acquiring, buying, offering, selling, 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 to tourism package 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 adapt 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 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 the said persons; and
- (h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

**Section 2. Acts that Promotes Trafficking in Persons.** The following acts, which promote or facilitate trafficking persons, are unlawful, as follows;

- (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 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 persons held to a condition of involuntary servitude, forced labor, or slavery.



**Section 3. 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 "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 a 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 a 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 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).

**Article 4. COMPOSITION.** The Department of Social Services and Development (DSSD) shall serve as secretariat and policy-implementing arm of the Anti-Trafficking in Person Committee and for this purpose shall assign a regular social worker, particularly assigned to women and children's concerns, to perform the following functions:

- (a) Facilitate the regular and special meetings of the Anti-Trafficking in persons Committee once a month or as may be necessary in the performance of its mandate under this Ordinance.
- (b) Receive communication, concerns and complaints and coordinate with the ATPC members or pertinent line agencies to address the same
- (c) Coordinate with pertinent line agencies in the performance of ATPC's functions
- (d) Consolidate and submit regular reports to the ATPC in relation to its functions

- (e) Request and process the release of funds required by the ATPC
- (f) And such other functions as the ATPC will assign

**Section 1. The Anti-Trafficking in Person Committee (ATPC).** The Anti-Trafficking in Persons Committee shall be composed of the following:

- (a) City Mayor
- (b) Chairperson of the Committee on Women and Gender, Sangguniang Panlungsod or his/her duly designated representative
- (c) Chairperson of the Committee on Children and Family, Sangguniang Panlungsod or his/her duly designated representative
- (d) Chairperson of the Committee on Social Services, Sangguniang Panlungsod or his/her duly designated representative
- (e) Chairperson of the Committee on Labor and Management, Sangguniang Panlungsod or his/her duly designated representative
- (f) City Health Officer or his/her duly designated representative
- (g) City Social Welfare and Development Officer
- (h) Representative from the Department of Labor and Employment
- (i) Representative from the Philippine Overseas Employment Administration (POEA)
- (j) Representative from the Overseas Workers Welfare Administration (OWWA)
- (k) Representative from the Bureau of Immigration
- (l) Representative from the National Bureau of Investigation (NBI)
- (m) Representative from the Bacolod City Police Office (BCPO)
- (n) Representative from the City Prosecution
- (o) Representative from the Bacolod City Gender and Development Council (BC-GAD)
- (p) Representative from the Liga Ng Mga Barangay
- (q) Representative from the City Legal Office
- (r) Representative from the non-government organization working against trafficking in persons



**Section 2.** The Mayor shall convene the ATPC within three (3) months from the effectivity of this Ordinance.

**Section 3.** The ATPC shall meet once a month or as often as necessary in the performance of their functions

**Section 4.** The City Mayor shall chair the ATPC and shall exercise the prerogative of appointing the Presiding Officer during meetings in case of his absence and designating the Non-Government Organization (NGO) to sit as member of said committee.

**Article 5. FUNCTIONS OF THE ATPC.** The Anti-Trafficking in Persons Committee shall have the following responsibilities:

- (a) Monitor and document cases of trafficked persons in Bacolod City;
- (b) Recommend the cancellation licenses of establishments, which violate the provisions of Republic Act No. 9208 and ensure its effective prosecution;
- (c) Undertake an information campaign against trafficking in persons through the establishment of Migrants Advisory and Information (MAIN) Desk in Bacolod City in coordination with the Department of Interior and Local government (DILG), Philippine Information Agency (PIA), Non-Government Organizations and other concerned agencies;
- (d) Encourage and support barangay-based initiatives which addresses trafficking in persons, such as possible integration of functions with the Barangay Council for the Protection of Children (BCPC), Quick Response Team, and similar existing organizations within the barangay;
- (e) Establish effective and gender-sensitive rescue teams composed of pertinent line agencies under RA 9208 and create policies and mechanism to establish said teams;
- (f) Recommend the basic social services for the prevention, rescue, recovery, rehabilitation and reintegration care support services to victims trafficking in persons;
- (g) Recommend executive policies and enactment of ordinances and resolution aimed at providing protection and support to trafficked persons and the adoption of measures to prevent or suppress trafficking in persons
- (h) Strengthen, activate and mobilized committees, council, organizations, and special bodies in the barangay level to prevent and suppress trafficking in persons
- (i) Closely coordinate with the Inter-Agency Council Against Trafficking created under Republic Act No. 9208 and all such other agencies concerned

- (j) Recommend utilization of all funds appropriated under this ordinance to the City Mayor.

**Article 6. MIGRANTS ADVISORY AND INFORMATION (MAIN) DESK.** As mandated under the Implementing Rules and Regulation of Republic Act No. 9208, the city shall establish, with the help of the ATPC a Migrant Advisory and Information (MAIN) Desk.

**Article 7. FUNCTION OF THE LINE AGENCIES.** All the line agencies who are members of the ATPC shall perform their respective functions under the Implementing Rules and Regulations of RA 9208, which is adopted in this ordinance.

**Article 8. TRAININGS.** Regular training and seminars shall be held to enable the members of the Anti-Trafficking in Persons Committee to function efficiently. Similar trainings shall also be provided to officials and volunteers in the barangay level for the purpose of equipping them with the necessary knowledge and skills to prevent and suppress trafficking in persons in their area of jurisdiction or to assist in the monitoring, investigation and prosecution of the cases of trafficking in persons.

**Article 9. INTERNAL RULES AND PROCEDURES.** The Anti-Trafficking in Persons Committee is authorized to create and adopt its own internal rules and procedures to govern them in their policy and decision-making process subject to the ratification of at least three-fourths of the committee. All other decisions of the said committee shall be governed by simple majority vote.

**Article 10. COORDINATION WITH THE GAD COUNCIL.** The Anti-Trafficking in Persons Committee shall closely coordinate with the Gender and Development (GAD) Council in cases of and policies on trafficking of women and children.

**Article 11. FUNDING**

**Section 1.** The operation and activities of Anti-Trafficking in Persons Committee shall be considered as related to gender and development projects of the city and the funding therefor shall be part of the five (5) percent gender and development fund for every year.

**Section 2.** An annual amount of Three Hundred Thousand Pesos (P300,000.00) shall be allocated for the expenses for the implementation of this Ordinance but limited to trainings, rescue and surveillance operations, advocacy programs, transportation, legal and medical expenses for rescued victims.

**Article 12. SEPARABILITY CLAUSE.** Should any portion of this Ordinance be declared ultra vires or unconstitutional by competent authority, the remainder not so affected shall continue to be in full force and effect as it is susceptible to enforcement and application.

**Article 13. EFFECTIVITY.** This ordinance takes effect immediately as soon as approve.





CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Greg G. Gasataya, Ana Marie V. Palermo, Lyndon P. Caña, Jocelle Batapa-Sigue, Homer Q. Bais, Dindo C. Ramos, Napoleon A. Cordova, Al Victor A. Espino, Catalino T. Alisbo, Reynold I. Iledan, Arturo V. Parreño, Marx Louie S. de la Rosa.

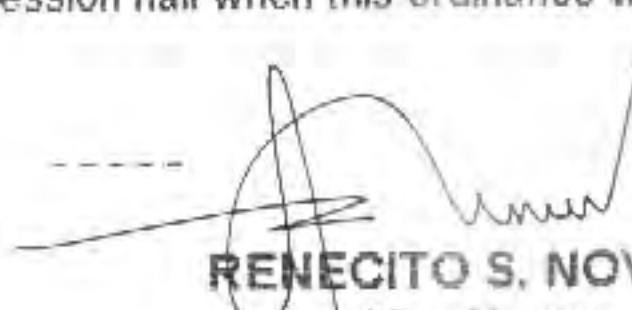
Negative : None.

Absent : None

Author : Councilor Jocelle Batapa-Sigue.

Passed : March 31, 2005 (40th Regular Session).

Comments: Passed.  
Councilors Jude Thaddeus A. Sayson and Elmer T. Sy were out of the session hall when this ordinance was passed.

  
**RENECITO S. NOVERO**  
Vice Mayor  
Presiding Officer


ATTESTED:

**ATTY. NILO T. ALEJANDRINO**  
Secretary to the Sanggunian

By:

  
**HELEN P. LEGASPI**  
Board Secretary IV

APPROVED: April 29, 2005

  
**EVELIO R. LEONARDIA**  
City Mayor

4/29/05

NTA/HPL/jemz

