

REPUBLIKA NG PILIPINAS  
IANGGAPAN NG SANGGUNIANG PANLUNGSOD  
LUNGSOD NG BAKOLOD  
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CITY ORDINANCE NO. 453  
December 12, 2007

AN ORDINANCE AMENDING CITY ORDINANCE NO. 385, SERIES OF 2005, OTHERWISE KNOWN AS AN ORDINANCE ESTABLISHING THE MECHANISMS FOR THE IMPLEMENTATION OF REPUBLIC ACT 9208 OR THE ANTI-TRAFFICKING IN PERSONS ACT OF 2003" AND FOR SUCH OTHER PURPOSES.

**WHEREAS**, the Republic of the Philippines through the Department of Justice (DOJ) has been monitoring the implementation of Republic Act 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", particularly the creation of regional and local inter-agency council against trafficking (IACAT) to support the advocacy and objectives of the IACAT at the national level;

**WHEREAS**, the City of Bacolod through the Sangguniang Panlungsod has approved last March 31, 2005 City Ordinance No. 385, Series of 2005, which creates among others an "Anti-Trafficking in Persons Committee" in Bacolod City, which practically serves as the IACAT of Bacolod City.


**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 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 services 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, and fraud or through abuse of a victim's vulnerability
  - (g) Debt Bondage – refers to the pledging by the debtor or 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.
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- (i) Inter-Agency Council Against Trafficking (IACAT) of Bacolod City – a group of individuals duly constituted under this ordinance to assist the city government in performing its role and responsibilities under Republic Act No. 9208 and its implementing rules and regulations.

**Article 3. SCOPE AND APPLICATION.** The Inter-Agency Council Against Trafficking (IACAT) of Bacolod City 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 for money, 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 labor, slavery, and involuntary servitude or debt bondage.
- (c) To offer or 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 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, 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 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 the 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 the 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 qualified trafficking.

- (a) When the trafficked person is a child;
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- (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 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 family 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 Inter-Agency Council Against Trafficking (IACAT) of Bacolod City and for this purpose shall assign a regular social worker, particularly assigned to women and children's concern, to perform the following functions:

- (a) Facilitate the regular and special meetings of the Inter-Agency Council Against Trafficking (IACAT) of Bacolod City 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 IACAT members or pertinent line agencies to address the same
- (c) Coordinate with pertinent line agencies in the performance of IACAT's functions
- (d) Consolidate and submit regular reports to the IACAT in relation to its functions





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

**Section 1.** The Inter-Agency Council Against Trafficking (IACAT) of Bacolod City shall be composed of 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, Management and OFW, 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 Philippine 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 Office
  - (o) Representative from the Bacolod City Gender and Development Council (BC-GAD)
  - (p) Representative from the Liga ng mga Barangay
  - (q) Representative from the Department of Education
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- (r) Representative from the overseas workers or their families
- (s) Representative from the Commission on Human Rights
- (t) Representative from the non-government organization working against trafficking in persons
- (u) Representative from the professional organization of lawyers working against trafficking in persons.

**Section 2.** The Mayor shall convene the IACAT within three (3) months from the start of office of the new set of officers.

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

**Section 4.** The City Mayor shall chair the IACAT 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 IACAT.** The Inter-Agency Council Against Trafficking (IACAT) of Bacolod City 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
- (c) Undertake the 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, 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 mechanisms to establish said teams;

- (f) Recommend the basic social services for the prevention, rescue, recovery, rehabilitation and reintegration care support services to victims of 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 mobilize 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 IACAT a Migrant Advisory and Information (MAIN) Desk.

**Article 7. FUNCTION OF THE LINE AGENCIES.** All the line agencies who are members of the IACAT 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 Inter-Agency Council Against Trafficking (IACAT) 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 Inter-Agency Council Against Trafficking (IACAT) of Bacolod City 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 Inter-Agency Council Against Trafficking (IACAT) of Bacolod City 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 Inter-Agency Council Against Trafficking (IACAT) of Bacolod City shall be considered as related to gender and development projects of the city and the funding therefore 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 approved.

**CARRIED BY THE VOTE OF:**

Affirmative:

Councilors: Greg G. Gasataya, Homer Q. Bais, Jocelle Batapa-Sigue, Wilson C. Gamboa, Jr., Celia Matea R. Flor, Catalino T. Alisbo, Roberto M. Rojas, Alex A. Paglumotan, Reynold I. Iledan, Diosdado A. Valenzuela, Kevin Daniel L. Ramos.

Negative : N o n e


Absent : N o n e

Official Leave : Councilor Napoleon A. Cordova

Author : Councilor Jocelle Batapa-Sigue

Passed : December 12, 2007 (24<sup>th</sup> Regular Session)

Comments: P a s s e d  
Councilors Dindo C. Ramos and Al Victor A. Espino were not yet around when this ordinance was passed.

  
**JUDE THADDEUS A. SAYSON**  
Vice Mayor  
Presiding Officer

ATTESTED:

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

APPROVED: Jan. 9, 2008

  
**EVELIO R. LEONARDIA**  
City Mayor

NTA/HPL/jbz

