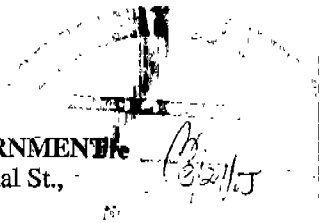


RA 9208



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium II, EDSA cor. Mapagmahal St.,
Diliman, Quezon City



March 14, 2005

MEMORANDUM CIRCULAR

NO. 2005-26

TO : ALL PROVINCIAL GOVERNORS, CITY / MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL, PROVINCIAL AND CITY DIRECTORS AND FIELD OFFICERS AND OTHERS CONCERNED

SUBJECT : STRICT IMPLEMENTATION OF REPUBLIC ACT NO. 9208, 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

Prefatory Statement

Pursuant to RA 9208, otherwise known as "Anti-Trafficking In Persons Act of 2003", **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 position, taking advantage of the vulnerability of the person or, the giving or receiving of payments of 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.

Basically, this government's effort is in compliance to the policy of the State which is to 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.

In Asia, the Philippines has been found to be a source, transport and destination country for persons trafficked for purposes of sexual exploitation and forced labor especially of women and children which occurs in the rural and urban metropolitan areas. Human trafficking is considered now as the third largest source of profits for organized crimes, next to drugs and guns.

It is in this premise that RA 9208 was passed into law. Specifically, it sets up the policies to eliminate trafficking in persons, especially women and children. It establishes the necessary institutional mechanisms to protect and support trafficked persons. It also provides penalties for violators.

Measures/Strategies in Preventing and Eliminating Human Trafficking at the Local Level

To ensure a unified and synchronized effort in preventing and eliminating human trafficking, all local government units are hereby enjoined to implement the following measures in their respective localities in operationalizing their defined roles and responsibilities:

1. **Community Education on Republic Act No. 9208**

The LGUs in cooperation with concerned agencies shall take the lead in conducting a massive information campaign on RA 9208 in all barangays under their respective jurisdictions.

2. **Establishment of Migrants Advisory Information Network (MAIN) Desks within the Women and Children's Desks or any existing or other equivalent mechanism**

To sustain the campaign against trafficking in persons, LGUs shall establish a Migrant Advisory and Information Desks Network (MAIN) in cooperation with the DILG, PIA, Commission on Filipino Overseas (CFO), NGOs, and other concerned agencies. The MAIN Desks shall provide the clients and/or victims of trafficking in persons and their families, the following information:

- Procedures in filing cases or reporting of suspected alleged trafficking incidents
- Programs that address trafficking in persons
- Legal protection to trafficked persons
- Preferential entitlement under the Witness Protection

Program

- Trafficked persons who are foreign nationals
- Other services for trafficked persons
- Repatriation of trafficked persons
- Rights of the person arrested, investigated or detained

The MAIN Desk Officer as a pre-requisite to the position shall have a thorough knowledge of RA 9208. He/she shall coordinate with the Women and Children's Desk Officer as the need arises.

3. Enactment of a Local Ordinance on the Elimination/Prevention/Control Trafficking in Persons

In order to institutionalize local efforts on the prevention, elimination and control of trafficking in persons, all local government units are further enjoined to cause the enactment of an ordinance incorporating among others the appropriate

4. Alliance Building

To ensure the smooth operationalization of the provisions of RA 9208, all LGUs are further encouraged to establish partnership with the following agencies on concerned areas:

AGENCIES/ ORGANIZATIONS	AREAS OF CONCERN
DSWD	<ul style="list-style-type: none">• Provision of psycho-social counseling, temporary shelter and other support services to victims/survivors of trafficking and their families• Skills training and livelihood services to victims/survivors of trafficking
PNP	<ul style="list-style-type: none">• Apprehension and/or arrest of traffickers
DOT	<ul style="list-style-type: none">• Formulation and implementation of preventive measures to stop sex tourism packages
DepEd	<ul style="list-style-type: none">• Conduct of non-formal education classes re RA 9208
POEA	<ul style="list-style-type: none">• Provision of legal assistance to victims of trafficking
BOI	<ul style="list-style-type: none">• Apprehension of suspected traffickers and their cohorts
CHR	<ul style="list-style-type: none">• Integration of anti-trafficking efforts in the Barangay Human Rights Action Center (BHRAC)
CWC	<ul style="list-style-type: none">• Advocacy against trafficking of children
PIA	<ul style="list-style-type: none">• Information dissemination on RA 9208
TESDA	<ul style="list-style-type: none">• Skills and entrepreneurial training to trafficked victims
DILG	<ul style="list-style-type: none">• Submission of reports on cases of trafficked persons
DOLE	<ul style="list-style-type: none">• Employment and livelihood facilitation
DFA	<ul style="list-style-type: none">• Repatriation of trafficked victims
DOH	<ul style="list-style-type: none">• Health services
DOJ	<ul style="list-style-type: none">• Prosecution of trafficking cases
CSOs	<ul style="list-style-type: none">• Legal counseling, shelter and livelihood facilitation

Responsibility of DILG Regional Field Offices

All DILG Regional Directors and Field Officers are hereby directed to coordinate with the concerned local officials **within** their respective areas of assignment to ensure the compliance of this **Memorandum Circular** and NAPOLCOM Memorandum Circular No. 2004-003 dated May 18, 2004 (attached) and submit a quarterly report based **from** the Complaint Standard Reporting Form (attached NAPOLCOM Form No. 24) to the Office of the Secretary through the Bureau of Local Government **D**evelopment.

For the information and guidance of all concerned.


ANGELO T. REYES
Secretary



Republic of the Philippines
DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT

IN REPLYING, PLS CITE:
SILG05-004555



Republic of the Philippines,
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Makati City

MEMORANDUM CIRCULAR NO. 004-003

GUIDELINES FOR IMPROVING CASE MANAGEMENT AND INITIATING
EFFORTS TOWARDS ADDRESSING THE PROBLEM OF
TRAFFICKING IN PERSONS

WHEREAS the Department of the Interior and Local Government (DILG), the National Police Commission (NAPOLCOM) and the Philippine National Police (PNP) have been implementing agencies of the United Nations - Republic of the Philippines Pilot Project "Coalitions Against Trafficking in Human Beings in the Philippines" under the UN Global Program Against Trafficking in Human Beings approved on 29 March 1999 and completed Phase 1 implementation on October 1, 2003;

WHEREAS, the said agencies are committed to the strategic goals of their respective agencies indicating the need for inter-agency, regional and global cooperation in responding to trafficking in human beings as a transnational crime and stressing the need for a holistic approach and coordination of efforts in achieving the interrelated and interdependent goals through the implementation of effective measures to control and prevent human trafficking;

WHEREAS, there is a need to strengthen crime prevention strategies against trafficking in persons, improve the effectiveness of law enforcement and criminal justice responses and improve victim and witness protection and assistance;

WHEREAS, in May 2003, Republic Act No. 9208 otherwise known as "The Anti-Trafficking in Persons Act of 2003", was enacted setting up policies to eliminate trafficking in persons, especially of women and children, and establishing the necessary institutional mechanisms to protect and support trafficked persons, and providing penalties for violators;

WHEREAS, R. A. 9208 tasks the DILG to conduct comprehensive community education and information campaign programs against trafficking, monitor and document trafficking cases, and establish a database to support law enforcement and prosecutor/efforts;

WHEREAS, the DILG, Napolcom and the PNP are members of the Technical Working Group of the Trade Union Congress of the Philippines and Solidarity Center's Anti-Trafficking Project which prepared and formulated a Standard Reporting Format for receiving cases of trafficking in persons;

WHEREAS, the same standard reporting form can be used by the WCCD, not only for cases of trafficking in persons, but also in recording all cases involving women and children, either as victims and/or as offenders;

WHEREAS, information and statistics derived from the reporting system can be utilized to determine the nature, causes and volume of trafficking in persons; to form a basis for the study of the problem; to plan intelligently; and to evaluate effectively the programs for addressing said crime;

NOW THEREFORE, the Commission, in the exercise of its administrative control and operational supervision over the Philippine National Police, hereby orders and directs the PNP to:

1. Institutionalize the strict observance of the Standard Reporting Format (copy herein attached) for Women and Children's Protection Decks in all police stations and other officers having stake on such cases, including the submission of accomplished forms to the Napolcom;

Assist the Crime Prevention and Coordination Service, Napolcom in the formulation, adoption and implementation of a system of collating, consolidating and analyzing the data on trafficking in persons;

Conduct seminars, fora, training programs and other similar programs which aim to enhance the knowledge, skills and attitude not only of WCPD officers but also other concerned police personnel in handling and treatment of victims of trafficking; and

Assist the DILG in the conduct of comprehensive community education and information campaign programs on trafficking in persons.

APPROVED this 18th day of May in the Year Two Thousand and Four in Makati City, Philippines.

(Sgd.) JOSE D. LINA, JR.
Chairperson, Napolcom

(Sgd.) LINDA L. MALENAB-HORNILLA
Commissioner
OIC, OVCEO

(Sgd.) CELIA V. SANIDAD-LEONES
Commissioner

(Sgd.) MIGUEL G. C. ONEL
Commissioner

(Sgd.) HERMOGENES E. EBDANE, JR.
Commissioner

ATTESTED BY:

Sgd. ADELMALYN A. MUNIEZA
Chief, Secretariat

COMPLAINT STANDARD REPORTING FORM

1. Person/Unit Reporting		2. Date Accomplished		3. Referring Party and Contact Numbers	
4. Investigation/ Case No.		5. Name of Investigator/Interviewer			
A. OFFENSE DATA					
6. Time/Day/Month/Year of Commission				7. Place of Commission	
8. Offense/s Committed					
<input type="checkbox"/> a) Rape	<input type="checkbox"/> j) Physical Injuries (Domestic Violence)	<input type="checkbox"/> p) Parricide			
<input type="checkbox"/> b) Incestuous Rape	<input type="checkbox"/> k) Physical Injuries (other circumstances)	<input type="checkbox"/> q) Murder			
<input type="checkbox"/> c) Frustrated/Attempted Rape	<input type="checkbox"/> l) Abduction/Kidnapping/Arbitrary Detention	<input type="checkbox"/> r) Theft/ Robbery			
<input type="checkbox"/> d) Acts of Lasciviousness	<input type="checkbox"/> m) Child Labor	<input type="checkbox"/> s) Estafa / BP 22			
<input type="checkbox"/> e) Sexual Harassment	<input type="checkbox"/> n) Child Trafficking (RA 7610)	<input type="checkbox"/> t) Other Crimes _____			
<input type="checkbox"/> f) Illegal Recruitment	<input type="checkbox"/> o) Other Forms of child abuse specify:				
<input type="checkbox"/> g) Prostitution/White Slave Trade	<input type="checkbox"/> o) Homicide				
<input type="checkbox"/> h) Trafficking in Person (RA 9208) Please indicate in space specific sections violated					
<input type="checkbox"/> Acts of Trafficking		<input type="checkbox"/> Acts that Promote Trafficking		<input type="checkbox"/> Qualified Trafficking	
Please specify provision: _____					
B. VICTIM'S DATA					
9. Name			10. Gender/ Sex	11. Age and Date of Birth	12. Place of Birth
Family _____	First _____	Middle _____			
Aliases: _____					
13. Highest Educational attainment		14. Civil Status		15. Nationality/Citizenship	
<input type="checkbox"/> No formal education		<input type="checkbox"/> Single <input type="checkbox"/> Married			
<input type="checkbox"/> Elementary <input type="checkbox"/> HS		<input type="checkbox"/> Live-in <input type="checkbox"/> Widow/er			
<input type="checkbox"/> College <input type="checkbox"/> Post Graduate		<input type="checkbox"/> Divorced <input type="checkbox"/> Separated			
<input type="checkbox"/> Others: _____					
17. Present Address		18. Provincial Address		19. Parents	
				Mother's Name _____	
				Father's Name _____	
20. Employment Information		21. Identifying Documents presented		22. Contact Person, Address and Contact Numbers	
Occupation: _____					
C. OFFENDER'S DATA					
23. Name		24. Gender/Sex	25. Age and Date of Birth	26. Civil Status	
Family _____	First _____	Middle _____		<input type="checkbox"/> Single <input type="checkbox"/> Married	
Aliases: _____				<input type="checkbox"/> Live-in <input type="checkbox"/> Widow/er	
				<input type="checkbox"/> Divorced <input type="checkbox"/> Separated	
27. Highest Educational Attainment			28. Nationality	29. Previous Criminal Record	
<input type="checkbox"/> No formal education <input type="checkbox"/> Elementary <input type="checkbox"/> HS				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> College <input type="checkbox"/> Post Graduate <input type="checkbox"/> Others				Pls. specify: _____	
30. Employment Information		31. Last Known Address		32. Relationship to Victim	
Occupation: _____					
Identifying documents presented (company ID, Driver's license, etc.)					
D. EVIDENCE DATA					
33. Weapons/Mean Used					
<input type="checkbox"/> Firearms <input type="checkbox"/> Bladed Weapon <input type="checkbox"/> Blunt Instrument <input type="checkbox"/> Fist/Kick <input type="checkbox"/> Others pls. specify: _____					
34. Motive/Cause					
<input type="checkbox"/> Sex/Lust <input type="checkbox"/> Passion/Jealousy <input type="checkbox"/> Misunderstanding <input type="checkbox"/> Revenge <input type="checkbox"/> Family Trouble <input type="checkbox"/> Poverty					
<input type="checkbox"/> Others pls specify: _____					
35. Suspect under the influence of					
<input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input type="checkbox"/> Both <input type="checkbox"/> None <input type="checkbox"/> Others specify: _____					
36. Medico Legal Examination					
<input type="checkbox"/> Not availed <input type="checkbox"/> Availed Findings: _____					

**E. ADDITIONAL INFORMATION
RELATING TO TRAFFICKING IN PERSONS CASES**

Organization: _____
 w/ consent w/o consent

Did you realize you were trafficked? _____

30. Mode of Transfer

Point of Origin	<input type="checkbox"/> By land <input type="checkbox"/> By air <input type="checkbox"/> By water	Means of Transfer
Point of Transfer	<input type="checkbox"/> By land <input type="checkbox"/> By air <input type="checkbox"/> By water	Means of Transfer
Point of Destination	<input type="checkbox"/> By land <input type="checkbox"/> By air <input type="checkbox"/> By water	Means of Transfer

How was contact first established?
 Approached by victim Victim approached offender Abducted/kidnapped
 Through relatives
 Please specify: _____

What was the nature of the exploitation?
 prostitution debt bondage mail order spouses other
 non-payment of wages/benefits pornography
 Please specify: _____

Placement fees and/or Payment
 Paid before departure: _____
 Paid Upon Departure: _____
 Paid Enroute to Destination: _____

Documents presented by victim: _____

F. CASE DISPOSITION

Case Disposition:
 settled by parties under police investigation
 filed in court Dismissed Referred to other agencies
 Please specify: _____

Victim in Custody of:
 NGO/PO Charitable Institution unoffending party BI
 Please specify: _____

Arrested:
 At large detained Others Please specify: _____

G. DIVERSION MECHANISMS

Police Diversion Mechanisms employed:
 Diversion conference administered
 Case settled before the police
 Police immediately consulted with child's parents/DSWD/NGO
 Police issued warning
 Child asked to perform community service

H. INCIDENT BRIEF

10/01/2004 11:36 AM

Signature of Interviewer: _____

REFERENCE ON VIOLATIONS OF TRAFFICKING IN PERSONS

(Republic Act 9208)

ACTS OF TRAFFICKING

Sec. 4. *Acts of Trafficking in Persons.* -- It shall be unlawful for any person, natural or juridical, 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 woman 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;
- (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 promotion 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 issues 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, or 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 document from government agencies that are mandated 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 promotion 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;
- (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 exercises 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. 11. *Use of Trafficked Persons.* -- Any person who buys 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).