

WHO MAY FILE A COMPLAINT?

1. The trafficked person or offended party
2. Spouse
3. Parents or legal guardians
4. Siblings
5. Children
6. Any person who has personal knowledge of the offense.

WHAT PROTECTION IS GIVEN TO TRAFFICKED PERSON?

1. Legal Protection
2. Free Legal Assistance
3. Right to Privacy and Confidentiality
4. Witness Protection Program
5. Victim Compensation Program

How is Trafficking in Persons Different from Illegal Recruitment and Human Smuggling?

Trafficking in Persons	Illegal Recruitment	Human Smuggling
Considered a human right issue	Considered a migration concern	Considered a migration concern
May or may not involve coercion, fraud, deception, abuse of vulnerability, etc.	Usually does not involve coercion but uses more deception, promises and fraud	Usually does not involve coercion
Characterized by subsequent exploitation after the illegal entry of one person from one place to another or one country to another	Characterized by facilitating entry of one person from one country to another through an unorganized or unlicensed agency	Characterized by facilitating for a fee, the illegal entry of a person into a foreign country
There is a need to prove the presence of exploitation or that the recruitment was facilitated for the purpose of exploitation	Mere recruitment without license is punishable, no need to prove the consequential exploitation	Proof of illegal entry by non-compliance with the necessary requirements for travel

WHERE TO CALL FOR HELP?

Human Trafficking Action Line Inter-Agency Council Against Trafficking (IACAT)

Call or Text: 1343
E-mail: 1343actionline@cfo.gov.ph
Facebook: fb.com/1343Actionline
Web reporting: 1343actionline.ph

Department of Justice (DOJ)

DOJ IACAT: Tel. Nos.: 527-2363, 523-8481 loc. 216
DOJ Action Center: Tel. Nos.: 521-2930, 523-8481 loc. 404

Municipal Social Welfare and Development (MSWD)

A. Mojica St. Poblacion III, Indang, Cavite
Tel. Nos.: 443 9074, 0917-526-9320/0923-606-0216

Philippine National Police-Indang

Poblacion 1, Indang, 4122, Cavite,
San Gregorio St, Indang, Cavite
Tel. Nos. (046) 415-0049

National Bureau of Investigation (NBI)

Anti-Trafficking Division (NBI-AHTRAD)
Taft Avenue, Manila
Tel. Nos.: 521-9208, 523-7414

Bureau of Immigration (BI)

Magallanes Drive, Intramuros, Manila
Tel. Nos.: 527-3260; 527-3248

Philippine Overseas Employment Administration (POEA)

Anti-Illegal Recruitment Branch
POEA Bldg., EDSA cor. Ortigas Avenue,
Mandaluyong City
Tel. Nos.: 722-1189 to 90, 721-0619

For Filipinos Overseas: Philippine Embassy/Consulate which has jurisdiction over the place where the trafficking occurred or where the trafficked person is.

Gender and Development Resource Center Cavite State University (CvSU)

Don Severino de las Alas Campus, Indang, Cavite
Tel. (046) 415-0010 or 443-2546
E-mail: gadcvsu@gmail.com

For more information please contact:

Gender and Development Resource Center (GAD-RC)

Cavite State University, Indang, Cavite
E-mail: gadcvsu@gmail.com
Telephone: (046) 443-2546



Cavite State University Gender and Development Resource Center

Republic Act 9208 As Amended by RA 10364

The Anti-Trafficking in Persons Act of 2003 and the Expanded Anti-Trafficking in Persons Act of 2012

Cover Graphics: JOSH NICHOLS

<http://mizzouwire.missouri.edu/stories/2008/human-trafficking/>

Republic Act 9208 or the Anti-Trafficking in Persons Act of 2003, as amended by RA 10364 also known as the Expanded Anti-Trafficking in Persons Act of 2012

What is trafficking in Persons (TIP)?

Trafficking in persons is an illegal act and is considered a violation of human rights. It has three (3) inter-related and interdependent elements for a situation to be considered trafficking in persons:

ACTS. It involves the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring or receipt of persons with or without the victim's consent or knowledge, within across national borders;

MEANS. It is committed by use of threat, or use of force, or other forms or 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; and

PURPOSE. It is done for the purpose of exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, involuntary servitude or the removal or sale of organs.

The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as "trafficking in persons" even if it does not involve any of the means mentioned above.

What are the Acts Punishable under the Anti-TIP Law?

The following acts are punishable under RA 9208 as amended by RA 10364:

1. **Acts of TIP** - includes all acts committed by any natural or juridical person where all the three elements of TIP (acts, means, purpose) are present. Examples:
 - Recruitment, hiring, offering, transferring, harboring or receiving any person for the purpose of **prostitution, pornography, or sexual exploitation, under the pretext of domestic or overseas employment or apprenticeship;**
 - Undertaking or organizing tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

- Maintaining or hiring a person to engage in prostitution or pornography;
- Adopting persons by any form of consideration for **exploitative purposes;** and
- Recruitment, hiring, adopting, transporting, obtaining, harboring, offering, receiving or abducting a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose or **removal or sale of organs of said person.**

Any person found guilty of the acts of TIP shall be penalized with imprisonment of 20 years and a fine of not less than 1 million but not more than 2 million pesos.

2. Acts that Promote TIP - includes all acts that encourages or facilitates TIP such as:

- Knowingly using or allowing the use of any house or establishment for promoting TIP;
- Facilitating the use of tampered or fake documents to evade government regulatory and pre departure requirements;
- Production, publication, broadcast and distribution, including use of ICT for propaganda materials that promotes TIP;
- Assisting in the conduct of misrepresentation or fraud in securing clearances and necessary exit documents from government, and facilitating exit/entry of persons proposing tampered or fraudulent travel documents for promoting TIP;
- Preventing a trafficked person from seeking redress from appropriate agencies by confiscating or destroying his/her passport, travel or personal documents;
- Tampering with or destroying of evidence, or influencing or attempting to influence witnesses in an investigation or prosecution of a TIP case;
- Destroying, concealing, removing, confiscating or possessing travel and/or working documents of any person in order to maintain the labor or service of that person; and
- Using one's office to impede the investigation, prosecution or execution or lawful orders in a case.

Any person found guilty of acts that promotes TIP shall be penalized with imprisonment of 15 years and a fine of not less than 500 thousand but not more than 1 million pesos.

3. **Use of Trafficked Persons** - any person who buys or engages the services of trafficked persons for prostitution shall be penalized with imprisonment ranging from 6 years to 40 years and a fine ranging from 50 thousand to 5 million pesos.

In addition to imprisonment and fine, an offender who is a foreigner shall be immediately deported and permanently barred from entering the country after serving jail terms, while an offender who is public official shall be dismissed from service and suffer perpetual absolute disqualification to hold public office.

4. Qualified TIP - the act will be considered as qualified TIP when:

- The trafficked person is a child;
- There is adoption under RA 8043 (Inter-Country Adoption Act) and said adoption is for purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- The crime is committed by a syndicate or is large scale;
- The offender is a spouse, ascendant, parent, sibling, guardian or a person who exercises authority over trafficked persons;
- The offense is committed by public official or employee;
- The trafficked person is recruited to engage prostitution with any member of the military or law enforcement agencies;
- The trafficked person died, became insane, suffered mutilation, or got infected with HIV/AIDS;
- The offender commits one or more acts of TIP over a period of 60 or more days; and
- The offender directs or through another manages the trafficking victim in carrying out the exploitative purpose of trafficking.

Qualified trafficking shall be penalized by life imprisonment and fine of not less than 2 million but not more than 5 million pesos.

5. **Attempted TIP** - where there are acts to initiate the commission of a trafficking offense but the offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of TIP. In cases where the victim is a child, any of the following acts shall also be deemed as attempted TIP:

- Facilitating the travel of a child who travels alone to foreign country or territory without valid reason and without the required clearance or permit from DSWD, or a written permit or justification from the child's parent or legal guardian;
- Executing for a consideration, an affidavit or consent or written consent for adoption;
- Recruiting a woman to bear a child for the purpose of selling the child;
- Simulating a birth for the purpose of selling the child;
- Soliciting a child and acquiring the custody thereof through any means for the purpose of selling the child.

Any person found guilty of committing attempted TIP shall be penalized with imprisonment of 15 years and a fine of not less than 500 thousand but not more than 1 million.