Republic of the Philippines
Province of Samar
Municipality of Pinabacdao
OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN
PROVINCE OF SAMAR
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MUNICIPAL ORDINANCE NO. 21-001

AN ORDINANCE ESTABLISHING MEASURES FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS AND MEACHANISMS FOR THE IMPLEMENTATION OF REPUBLIC ACT NO. 9208, ALSO KNOWN AS THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003" AND FOR SUCH OTHER PURPOSES

Introduced by Hons. Maribel P. Germano and Clemente O. Sevillana

Be it enacted by the Sangguniang Bayan of the Municipality of Pinabacdao, in regular session assembled, that:

SEC. 1. Title. This Ordinance shall be known as the "Anti- Trafficking in Persons Ordinance of the Municipality of Pinabacdao."

SEC. 2. Definition of Terms. The following definition of terms are hereby adopted from Section 3, of Republic Act No. 9208:

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 local and national borders by means 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 person, or the giving or receiving of payments or benefits to achieve the consent of a person for the purpose of exploitation which includes at a minimum, the exploitation which includes at a minimum, the 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 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,

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neglect, cruelty, exploitation, or discrimination because of physical and mental disability or condition.

c) **Prostitution** – refers to any act, transaction, scheme or design involving the use of a person to another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
d) **Forced Labor and Slavery**- refers to the extraction of work services from any persons by means of enticement, violence, intimidation or threat, use of force or coercion including deprivation of freedom, abuse of authority or moral ascendancy, debt-bandage or deception.
e) **Sexual exploitation**- refers to participation by person in prostitution or the production of pornographic materials as a result of being subjected to threat, deception, coercion, abduction, force, abuse of authority, debt bandage, fraud or through abuse of a victim's vulnerability.
f) **Debt bondage**-refers to the pledging by the debtor of his/her control and security or payment of a debt, when the length and nature of services as reasonably assessed is not applied toward the liquidation.
g) **Pornography**-refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or stimulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.
h) **Council**-shall mean the Municipal Inter-Agency Council Against Trafficking (MIACAT)

SEC. 3 Scope and Application. The Municipal Inter-Agency Council Against Trafficking (MIACAT) shall address concerns and cases of trafficking and acts promoting trafficking based on Republic Act No. 9208

SEC. 4 Acts of Trafficking in persons and it shall be unlawful for any person to commit any of the following act:

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 stimulated for the purpose of acquiring, buying, offering, selling or trading them to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, or debt bondage;

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d. To undertake or organize tours and travel plans consisting of tourism packages activities for the purpose of utilizing and offering a person for prostitution, pornography or sexual exploitation;
e. To maintain or hire a person to engage in prostitution or pornography;
f. To adopt of facilitate the adoption of persons for prostitution, pornography, sexual exploitation, forced labor, slavery involuntary servitude or debt bondage;
g. To recruit, hire, adopt, transport, or abduct a person by means or threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said persons; 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 person;
b. To produce, print, and issue or distribute unissued, tampered or fake counseling certificates, registration sticker 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, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;
d. To assist in the conduct of misrepresentation of fraud for purposes of facilitating the acquisition of clearance and necessary exit documents 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 of the international and local parts, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in person;
f. To confiscate, conceal or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or 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 Person. The following are considered as qualified trafficking:

a. When the trafficked person is a child;

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b. When the adoption is affected 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 offender is an ascendant, parent, sibling, guardian or person who exercise authority over the trafficked persons or when the offence is committed by public officer or employee;
d. When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
e. When the offender is a member of the military or law enforcement agencies; and
f. When the reason or an occasion of the act of trafficking in persons, the offended party dies, becomes insane; suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) of the Acquired Immune Deficiency Syndrome (AIDS).

SEC. 7. Composition. There is hereby established a Municipal Inter-Agency Council Against Trafficking (MIACAT) which shall be composed of the following:

a) Municipal Mayor as Chairperson
b) Chairperson, Committee on Women and Family, Sangguniang Bayan or his/her duly designated representative as Co-Chairperson;
c) Chairperson, Committee on Laws and Good Government, Sangguniang Bayan or his/her duly designated representative, as Member;
d) Municipal Social Welfare and Development Officer, as Member;
e) Municipal Health Officer, as Member;
f) Chief of Police - Philippine National Police, Pinabacdao MPS as Member;
g) Representative from the Non-Government Organization working against trafficking in persons, as Member;

SEC. 8. The Municipal Mayor shall convene the MIACAT within two (2) months from the effectivity of the Ordinance. The MIACAT shall meet once a month or as often as necessary in the performance of their functions.

SEC. 9. The Municipal Mayor shall exercise the prerogative of Appointing a representative from the Non-Government Organization (NGO) to sit as member of the council.

SEC. 10. Function of the MIACAT. The Council shall have the following responsibilities;

a. Monitor and documents cases of trafficked persons in the Municipality of Pinabacdao;
b. Coordinate with government agencies and non-government organization to immediately respond and address the issues and problems attendant to trafficking in person;

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c. Develop mechanism to ensure timely, coordinated and effective response to cases of trafficking in person;
d. Encourage and support barangay-based initiative which addresses trafficking in person;
e. Recommend the cancellation of licenses of establishments, which violate the provisions of Republic Act No. 9208 and ensure its effective prosecution;
f. Undertake an information campaign against trafficking in person through the establishment of an Information and Education Team;
g. Establish effective gender-sensitive rescue teams composed on pertinent line agencies under Republic Act No. 9208 and create policies and mechanism to establish said teams;
h. Recommend the services for the prevention, rescue, recovery, rehabilitation, and reintegration support to victims of trafficking in persons;
i. Strengthen, activate and mobilized committees and organizations and special bodies in the barangay level to prevent and suppress trafficking in person;
j. Coordinate closely with the Regional and Provincial Inter-Agency Council Against Trafficking created under Republic Act No. 9208 and all such other agencies concerned; and,
k. Recommend the utilization of funds appropriated under this ordinance to the Municipal Mayor.

SEC. 11. Secretariat. The Office of the Municipal Social Welfare and Development shall serve as the Secretariat of the MIACAT and for this purpose shall assign a regular social worker, particularly assigned to women and children's concerns, to perform the following function:

a. Facilitate the regular and special meetings of the MIACAT 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 MIACAT members or pertinent line agencies in the performance of MIACAT's functions;
c. Coordinate with pertinent line agencies in the performance or MIACAT's functions;
d. Consolidate and submit regular reports to the MIACAT in relation to its functions;
e. Request and process the release of funds acquired by the MIACAT;
f. Perform such other functions as the MIACAT will assign.

SEC. 12. Function of the line agencies. All the line agencies who are members of the MIACAT shall perform their respective functions under the implementing Rules and Regulations of Republic Act No. 9208, which is adopted in this ordinance.

SEC. 13. Trainings. Regular trainings and seminars shall be held to enable the members of the MIACAT to function efficiently. Similar trainings shall also be provided to officials and

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volunteers in the barangay level for the purpose of equipping them with the necessary knowledge and skills to prevent and suppress trafficking in person in their area of jurisdiction or to assist in the monitoring, investigation and prosecution of the cases of trafficking in person;

SEC. 14. Internal Rules and Procedures. The MIACAT 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 council. All other decision of the said council shall be governed by simply majority vote.

SEC. 15. FUNDING. An annual amount of Fifty Thousand pesos (50,000.00) shall be allocated for the expenses for implementation of this Ordinance but limited to trainings, rescue and surveillance operations, advocacy program, transportation, legal and medical expenses for rescued victims.

The operation and activities of the MIACAT shall be considered as related to gender and development projects of the municipality and the funding therefore shall be part of the (5) percent gender and development fund for every year.

SEC. 16. 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.

SEC. 17. EFFECTIVITY. This ordinance takes effect immediately upon its approval.

ENACTED: May 31, 2021

MARY BERNARDETTE T. QUIJANO, LPT
Secretary to the Sangguniang Bayan

HON. ROSEMARIE T. BADENAS
Vice-Mayor/Presiding Officer

HON. ELISEO B. CABORNAY JR.
SB Member

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SB Member

HON. JOSE O. REFUERZO
ABC Pres./Ex-Officio Member

HON. ALLEAH JOY L. SACAGUING
SK Fed. Pres./ Ex-Officio Member

APPROVED:

HON. TEODORICO A. MABAG
Municipal Mayor

6/2/21

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