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**DRAFT ANTI TRAFFICKING IN PERSONS AND MAIL ORDER SPOUSE
ORDINANCE OF TUGUEGARAO CITY PURSUANT TO THE PROVISIONS OF
REPUBLIC ACT NO. 11862: EXPANDED ANTI-TRAFFICKING IN PERSONS ACT
OF 2022 AND REPUBLIC ACT 10906 OR THE ANTI-MAIL ORDER SPOUSE ACT,
PROVIDING PENALTIES FOR ITS VIOLATIONS, ESTABLISHING THE
TUGUEGARAO CITY ANTI TRAFFICKING IN PERSONS COUNCIL AND FOR
OTHER PURPOSES**

AUTHORED BY:

Hon. Atty. Mary Marjorie P. Martin-Chan, J.D.

WHEREAS, the trafficking in persons and mail order spouse, are global concerns that needs a proactive and coordinated response at all levels;

WHEREAS, the Philippine government declared its full support to the worldwide campaign to fight trafficking in persons when the Congress passed the amendments to Republic Act No. 9208 under Republic Act No. 11862, also known as the "Anti-Trafficking in Persons Act of 2022" formally signed into law by the President on June 23, 2022;

WHEREAS, the Philippine government declared its full support to the worldwide campaign to fight mail order spouse when the Congress passed Republic Act 10906 or the "Anti-Mail Order Spouse Act" which became a law on July 21, 2016;

WHEREAS, Republic Act No. 11862, the Expanded Anti-Trafficking in Persons Act of 2022, strengthens measures against human trafficking in the Philippines. It enhances protection for victims, increases penalties for traffickers, and improves coordination among government agencies and non-government organizations. The act also addresses emerging forms of trafficking, including online exploitation, and ensures better support and rehabilitation services for survivors. This law aims to combat trafficking more effectively and safeguard the rights and dignity of all individuals;

WHEREAS, Section 11 of R.A. No. 11862 provides that local government units should "enact ordinances to localize and strengthen the implementation of this law by providing local services and programs to victims-survivors of trafficking and other exploitative behavior";

WHEREAS, Republic Act No. 10906, or the Anti Mail Order Spouse Act, prohibits the business of organizing or facilitating marriages between Filipinas, colloquially called "mail-order brides", and foreign men;

WHEREAS, trafficking in persons is a grave violation of human rights and dignity, and there is an urgent need to implement localized measures to effectively address this issue, ensuring that Tuguegarao City does not become a source, transit point, or destination for trafficked persons;

WHEREAS, the Gender and Development Code of Tuguegarao City (City Ordinance No. 30-2017) explicitly prohibits trafficking in women and children, emphasizing the city's commitment to protecting the vulnerable from exploitation and abuse;

WHEREAS, the regulation of travel and tour agencies, particularly those engaged in visa processing and related activities, is necessary to prevent their involvement in or facilitation of trafficking;

WHEREAS, the Local Government of Tuguegarao City, through the 9th City Council, intends to make Tuguegarao City a safe place for everyone, especially women and children, and

abhors any activity that shall treat our citizens as commodities and exploit their vulnerabilities brought by financial, emotional and psychological challenges.

WHEREAS, the problem of Trafficking in Person should, immediately and effectively, be addressed by the Sanggunian Panlungsod to protect the citizens of Tuguegarao City, especially women and children from exploitation and abuse.

NOW, THEREFORE, be it **ORDAINED** by the Sangguniang Panlungsod the City of Tuguegarao, Cagayan, in regular session assembled that:

SECTION 1. TITLE. This Ordinance shall be known as the **"Anti-Trafficking in persons and Mail Order Spouse Ordinance of Tuguegarao City."**

SECTION 2. DECLARATION OF POLICY. The City of Tuguegarao reaffirms its commitment to the protection of human rights and the dignity of every individual. The city shall adopt proactive measures to prevent and eliminate all forms of trafficking in persons, particularly among women and children, and shall regulate businesses that could potentially facilitate trafficking, including travel and tour agencies involved in visa processing for marriages or other activities that may lead to exploitation.

SECTION 3. DEFINITION OF TERMS. For the purposes of this Ordinance, the following terms shall mean:

- a. **"Trafficking in Persons"** The recruitment, transportation, transfer, harboring, or receipt of persons by means of threat, force, coercion, abduction, fraud, deception, or abuse of power for the purpose of exploitation, as defined under RA 9208, as amended by RA 10364.
- b. **"Travel and Tour Agency"** Any business or individual engaged in arranging or facilitating travel, tours, or visa processing, including for purposes of marriage.
- c. **"Bride-for-Sale"** A scheme where women are matched with foreign nationals for marriage, often under exploitative conditions, for the purpose of financial gain, and which may result in trafficking.
- d. **"Sex Tourism"** Travel organized with the primary purpose of facilitating access to sexual services, often involving vulnerable persons.
- e. **"Spouse for sale"** Refer to any scheme where any person is match with foreign nationals for marriage often under a condition for the purpose of financial gain and which may result in sex trafficking
- f. **"Investigating Body"** the appointed individuals or committees tasked to look carefully into the reported irregularity, and are responsible for determining the facts, reviewing findings and providing recommendation.

SECTION 4. ROLE OF THE CITY OF TUGUEGARAO - contribute to international and national efforts to address the problem of TIP, the City shall implement programs and services that will contribute to its elimination.

SECTION 5. ESTABLISHMENT OF THE "TUGUEGARAO CITY ANTI-TRAFFICKING IN PERSONS COUNCIL". The Tuguegarao City Anti-Trafficking in Persons Council is hereby created;

- a. **Composition** – The council shall be composed of the following:

Chairperson: City Mayor

Co-Chair: City Vice Mayor

Vice Chairperson: City Social Welfare and Development Officer

Members:

1. City Council Chair on Committee on Women, Family Relations and Gender Equality
2. Liga ng mga Barangay Representative
3. Sangguniang Kabataan Representative

4. Business Permit and Licensing Office Representative
5. City Legal Office Representative;
6. PNP Representative
7. DOJ IACAT Representative
8. DFA Representative
9. DOT Representative
10. DILG Representative
11. Non-government organization

b. Functions – The council shall have the following functions:

1. Formulate a comprehensive and integrated programs to prevent and suppress trafficking in persons;
2. Promulgate rules on affective implementation of anti-trafficking laws and ordinances;
3. Establish an anti-trafficking in person's central database;
4. Monitor and oversee the strict implementation of the anti-trafficking law or ordinances;
5. Coordinate programs, projects and activities of various agencies to effectively address the issues and problems attendant to trafficking;
6. Coordinate for the conduct of massive information and dissemination and campaign on the existence of the law and ordinance on anti-trafficking;
7. Assist in the filing of cases against individuals, agencies or institutions in violation of this ordinance;
8. Formulate a program for the reintegration of trafficked persons;
9. Secure from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement the antitrafficking ordinances and law;
10. Complement the shared government information system for migration established under Republic Act No. 8042, otherwise known as the "Migrant Workers und Overseas Filipinos Act of 1995" with data on cases of trafficking in persons, and ensure that the proper agencies conduct a continuing research and study on the patterns and scheme of trafficking in persons which shall form the basis for policy formulation and program direction;
11. Develop the mechanism to ensure the timely, coordinated, and effective response to cases of trafficking in persons;
12. Recommend measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress international trafficking in persons;
13. Coordinate with the Department of Information and Communications Technology (DICT), Department of Trade and Industry (DTI), National Bureau of Investigation (NBI) and other local or national agencies including NGOs in monitoring the promotion of advertisement of trafficking in the internet;
14. Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines;
15. Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons;
16. Institute a reward scheme for those who have provided any information that led to the suppression/prevention of trafficking activities and apprehension of persons involved therein;
17. Adopt and institutionalize the DSWD Recovery and Reintegration Program for Trafficked Persons (RRPTP);
18. Conduct inspection, in coordination with proper authorities, of houses, buildings or establishments suspected of being used for trafficking activities;
19. Institute a reward scheme for those who have provided any information that led to the suppression/prevention of trafficking activities and apprehension of persons involved therein;

20. Conduct quarterly summits with neighboring LGUs to share lessons learned and pooling of resources for a more effective delivery of the mandatory services under the Expanded Act;
21. Recommend relevant policies or legislative measures to address human trafficking in the Sanggunian Panlungsod;
22. Conduct and/or provide training for LGU personnel involved in anti- trafficking programs and/or activities;
23. Consolidate the reports submitted by the barangays;
24. Establish an anti-trafficking in persons central database. The Tuguegarao City Anti-Trafficking Council through the City Mayor, shall submit to the Regional Inter-Agency Council Against Trafficking (RIACAT) Chair a report including highlights of major achievements, best practices, etc. on or before January 15 of every year, with respect to the preceding year's programs and data on trafficking-related cases.
25. Perform such other related functions or tasks as may be imposed by the City Mayor.

SECTION 6. CANCELLATION OF LICENSES OF ESTABLISHMENTS ENGAGED IN TRAFFICKING ACTIVITIES. The Office of the Mayor, through the Business Permits and Licensing Office (BPLO), shall effect the cancellation of business permits and licenses of establishments found guilty by the Court of violating any provision of this Ordinance.

SECTION 7. ADDITIONAL REQUIREMENTS FOR SPECIFIC BUSINESS ESTABLISHMENTS APPLYING A BUSINESS LICENSE - In addition to the usual requirements for the issuance of a business license, establishments mentioned below, shall:

- a. Undergo an orientation on Anti-Trafficking in Persons prior to the issuance of business permit.
- b. Bars, nightclubs, videoke bars, KTV bars, and other similar establishments providing adult entertainment applying for new business licenses or applying for renewal shall sign an undertaking that they shall not employ minors and women who are victims of trafficking. Moreover, they shall require their applicants to submit Philippine Statistics Authority (PSA) - authenticated birth certificates and at least one government-issued identification card (ID), aside from the usual application documents. These establishments shall be required to keep copies of PSA authenticated birth certificates and IDs of all employees as proof of age of majority. In the event that the PSA certifies No Record of Birth, other secondary evidence of proof of birth such as Baptismal Certificate, school ID, should be kept as proof of age of majority.
- c. The owner, proprietor or manager of inns, motels, hotels, boarding houses, pension houses, dormitories, and similar establishments applying for business permits and/or licenses or applying for renewal thereof, shall sign a written undertaking that they shall not engage in any acts, which promote trafficking such as, but not limited to, allowing the use of their premises to traffickers and their victims. The owner, manager or proprietor of such establishment shall have the mandatory duty to report suspected cases of trafficking to the Tuguegarao City Anti-Trafficking Council.
- d. The owner, proprietor or manager of internet cafes, computer rental shup, computer gaming shops or centers, and similar establishments applying for business permits and/or licenses or applying for renewal thereof, shall sign a written undertaking that they shall not allow any form of sexual exploitation as defined in the Expanded Act, such as, but not limited to, the participation of any person in pornography or the production of pornography, to take place within its premises nor allow the transmittal/distribution/uploading thereof.

The willful refusal to submit the aforementioned undertaking as required above or the subsequent violation thereof and the lack of birth certificates or the possession of

falsified birth certificates or the failure to keep employees' birth certificates as required in the record of employment shall be ground for the immediate denial or cancellation of the business license.

SECTION 8. REGULATION OF TRAVEL AND TOUR AGENCIES, AND RELATED BUSINESS ESTABLISHMENTS. All travel and tour agencies operating within Tuguegarao City must obtain a Special Permit from the City Government, in addition to any other required licenses, to engage in the business of visa processing.

- a. The City Government, through its appropriate offices, shall regularly monitor and audit the activities of travel and tour agencies to ensure compliance with this Ordinance.
- b. Agencies must report any suspicious activities to the local authorities.
- c. Regular monitoring of internet service providers, internet content hosts, internet cafes and establishments offering Wi-Fi services, tourism enterprises and malls, transportation services, and financial intermediaries shall also be conducted regularly by the City Government.

To ensure implementation of this Ordinance, random checks and monitoring by the appropriate agency of the Local Government of Tuguegarao City may be allowed.

SECTION 9. ACTS OF TRAFFICKING IN PERSONS. It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

- a. Recruit, transport, transfer, harbour, provide, or receive a person by any means, including under the pretext of domestic or overseas employment, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, or debt bondage;
- b. Introduce or match for money or other consideration any person, especially a Filipino woman, to a foreign national for marriage with the intent of exploitation;
- c. Offer or contract marriage, real or simulated, for the purpose of exploiting a person through prostitution, pornography, or forced labour;
- d. Organize tours or travel plans for the purpose of offering persons for prostitution, pornography, or sexual exploitation;
- e. Maintain or hire a person to engage in prostitution or pornography;
- f. Facilitate the adoption of persons for the purpose of exploitation;
- g. Recruit or abduct a person for the purpose of organ trafficking;
- h. Recruit or transport a child for the purpose of engaging in armed activities;
- i. Such other acts provided by law.

SECTION 10. PROHIBITED ACTS. The following acts are prohibited under this Ordinance:

- a. Engaging in or facilitating the recruitment, transportation, or transfer of persons within or outside the city for the purpose of exploitation;
- b. Advertising or promoting trafficking or any "spouse-for-sale" scheme through any medium, including the internet, this includes appearing as model or advertiser;
- c. Operating a travel or tour agency involved in the processing of visas for marriages or other purposes without ensuring that such activities do not lead to trafficking or exploitation of women or children;
- d. Offering or promoting tourism packages or services that involve or facilitate sex tourism or other forms of exploitation;
- e. Engaging in or facilitating the "spouse-for-sale" scheme, where women or men are matched with foreign nationals under exploitative conditions;
- f. Non-compliance of the regulations.
- g. Engaging any act of trafficking in persons as provided for by law.

An act need not be consummated to deemed a violation of this Ordinance, an attempt or frustration, to do the same shall already be punishable. Any person or juridical entity shall be held liable under this Ordinance.

SECTION 11. MANDATORY CASE REFERRAL. When a person has knowledge or information of facts or circumstances that a person is suspected to be a victim of trafficking or is about to be a victim of the same, he or she may immediately report the case to any of the following:

1. IACAT through 1343 Action line;
2. Any member of the IACAT Task Force;
3. IACAT Members or Partners;
4. Nearest Local Council Against Trafficking and Violence Against Women and Children;
5. Barangay VAW Desk Person or any Barangay Official; or
6. Civil Society Organizations; non-government and faith-based organizations.

Upon receipt of the information, the same shall be immediately referred to the National Bureau of Investigation Anti-Human Trafficking Division (NBI-AHTRAD) or Philippine National Police Anti-Trafficking in Persons Unit (ATIP Unit) or its Women and Children Protection Desk (PNP-WCPD), or their equivalent units. Thereafter, the report shall be promptly validated to determine if the information is sufficient to support the conduct of appropriate action or intervention.

SECTION 12. MANDATORY REFERRAL TO THE INVESTIGATING BODY. At any given time, that any suspected activity involving a violation of this Ordinance shall be reported to any instrumentality of the City Government, the same shall be referred to the Investigating Body headed by the City Legal Officer, with the BPLO Head and CSWD Officer as members, for appropriate action and investigation.

The Investigating body is tasked to immediately inform the Regional Inter-Agency Council against trafficking of the alleged violation of the ordinance and shall cooperate with the said council for the investigation of the same. The body shall thereafter proceed to investigate alleged violation done by a business establishment registered in the City of Tuguegarao and shall thereafter recommend the proper penalty in accordance to Section 18 of this Ordinance to the City Mayor. In all proceedings of the Investigating Body, due process shall at all times be observed.

SECTION 13. CONFIDENTIALITY AND PROTECTION. The identity of trafficked persons, as well as those who report trafficking activities, shall be kept confidential. Any breach of confidentiality shall be subject to penalties under this Ordinance.

SECTION 14. ANTI-TRAFFICKING AND ANTI-MAIL ORDER SPOUSE PROGRAMS. The Local Government Unit of Tuguegarao City, upon the recommendation of the Tuguegarao City Anti-Trafficking Council shall institutionalize programs for the prevention of trafficking in person and mail order spouse transactions, prosecution of offenders and protection as well as rehabilitation of victims. Programs shall include but not limited to the following:

- a. **Strengthening of the Barangay VAWC Desks.** Ensure that the Violence Against Women and Children desks in all barangays are activated and staffed by trained personnel who are able to provide immediate and appropriate support to victims of trafficking in persons.
- b. **Necessary services to victims.** Temporary shelter, board and lodging, transportation, counseling and documentation services, legal and representation services, among others, shall be provided to victims.
- c. **Livelihood programs.** Provide livelihood grants to support the economic empowerment of poor households, in order to increase their financial capacities and address household crises which force them to engage in trafficking.

- d. **Community based programs and initiatives.** Encourage and support community based initiatives which address the trafficking in persons through NGP and CSO support, among others.
- e. **Temporary Shelter for victims.** Provide a haven for victims especially those whose perpetrators are family members or those who do not have residence in the City, pending investigation or as long as necessary.
- f. Other services for the temporary shelter of the victims.

SECTION 15. IMPLEMENTATION. The City Mayor, through the City Social Welfare and Development Office (CSWDO), Philippine National Police (PNP), and other relevant agencies, shall implement the provisions of this Ordinance. Regular reports on the enforcement of this Ordinance shall be submitted to the Sangguniang Panlungsod.

SECTION 16. APPROPRIATION. For the effective implementation of this Ordinance, the City Government of Tuguegarao shall source out funds from the annual budget or from other available sources.

SECTION 17. INFORMATION, DISSEMINATION AND EDUCATION PROGRAMS. The Tuguegarao City Information Office in coordination with the Office of the City Mayor shall develop a plan of action for the dissemination of the Ordinance and education of the relevant stakeholders regarding the same.

SECTION 18. PENALTIES. Any person, natural or juridical, found guilty of violating any provision of this Ordinance shall be subject to the following penalties:

- a. For individuals: imprisonment of six (6) months to one (1) year and/or a fine of not exceeding Five Thousand Pesos (Php 5,000.00).
- b. For travel and tour agencies, hotels and other business establishments: Revocation of business licenses and a fine of not exceeding Five Thousand Pesos (PHP 5,000.00).
- c. Any foreign national found guilty of engaging in or facilitating trafficking activities within Tuguegarao City shall be subject to immediate deportation after serving their sentence and permanently barred from re-entering Tuguegarao City.

The above mentioned penalties are without prejudice to the decision of the Department of Justice to prosecute any violation of this ordinance under any national law.

License and business permits of duly registered businesses and establishments in the City of Tuguegarao may be suspended and/or revoked, even prior to a finding of guilt by the trial court, upon recommendation of the Investigating Body constituted in Section 12 of this Ordinance.

SECTION 19. SEPARABILITY CLAUSE. If any part of this Ordinance is declared void, unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof which shall remain or continue to be in full force and effect.

SECTION 20. REPEALING CLAUSE. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 21. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after its publication in a local newspaper of general circulation and posting for three (3) consecutive weeks in all conspicuous places in the City.