



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG



ORDINANCE NO. 974, S-2024

AN ORDINANCE ESTABLISHING THE INSTITUTIONAL MECHANISMS FOR TRAFFICKING IN PERSONS, PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PURSUANT TO THE PROVISIONS OF REPUBLIC ACT NO. 9208, OTHERWISE KNOWN AS THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003," AS AMENDED BY REPUBLIC ACT NO. 10364, OR THE "EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012," AND FOR OTHER PURPOSES"

WHEREAS, it is the policy of the State to value the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will 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;

WHEREAS, R.A. No. 9208 otherwise known as Anti-Illegal Trafficking in Persons Act of 2003 has been signed into law on 26 May 2003 and serves as the national framework to address trafficking in our country;

WHEREAS, Section 16 (j) of Republic Act 9208 mandates local government units to monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate its provisions and ensure effective prosecution of such cases;

WHEREAS, the Philippine Government declared its full support to the worldwide campaign to fight TIP when in Congress passed the amendments to Republic Act No. 9208 under Republic Act No. 10364, also known as the "Expanded Anti-Trafficking in Persons Act of 2012" which was formally signed into law by the President on February 6, 2013;

WHEREAS, the Republic Act No. 10364 widened the definition of trafficking in persons and created an inter-agency council against trafficking and instituted policies to eliminate TIP, especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations and other purposes;

WHEREAS, pursuant to Section 19 of the Rules and Regulations Implementing Republic Act No. 9208 (as amended), the local government units (LGUs) shall enact ordinances aimed at providing protection and support to trafficked persons and their families;

WHEREAS, trafficking in persons, especially of women and children, is a real problem that demands proactive and coordinated response at the international, regional, national, and even local levels;

WHEREAS, the incidences of documented, as well as unreported, cases of trafficking and abuse of women and children clearly manifest that human trafficking is an alarming issue in Mandaluyong City;

WHEREAS, in line with the objective of the current administration to make Mandaluyong City a safe City for all its residents, it is imperative that this concern be directly and effectively addressed by the Mandaluyong City Council, in order to prevent the City from becoming a source, transit point or destination of trafficking victims.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MANDALUYONG CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. – This Ordinance shall be known as the “Mandaluyong City Anti-Trafficking in Persons Ordinance of 2024”;

SECTION 2. DECLARATION OF POLICIES AND PRINCIPLES. – it is hereby declared that Mandaluyong City values the dignity of every human persons and guarantees the full respect of individual rights.

Towards this end, the City Government shall give highest priority to the enactment of measures and the development of projects, programs and activities that will promote human dignity, protect the people from any threats 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.

The City Government shall address the problem of trafficking in persons, especially women and children, at the local level by instituting policies and programs to prevent, protect and rehabilitate trafficked persons.

The City Government shall also take a firmer stance against trafficking in persons by penalizing certain acts or omission that can be considered as violations of this Ordinance.

SECTION 3. DEFINITION OF TERMS. – the following definitions of terms are hereby adopted from Article 2 Section 5 of Republic Act No. 9208 as amended by Republic Act No. 10364:

- (a) Accessories – whoever has the knowledge of the commission of the crime and without having participated therein, either as principal or accomplice, take part in its commission in any of the following manners:

- a.1. Profiting themselves on assisting the offender to profit by effect of the crime;
 - a.2. Concealing or destroying the body of the crime or effects or instruments in order to prevent its discovery;
 - a.3. Harboring, concealing, or assisting in the escape of the principal of the crime, provided the accessory acts with the abuse of his or her public functions or is known to be habitually guilty of some other crime.
- (b) Child – refers to a person below eighteen (18) years of age or one who is over 18 but is unable to fully take care or protect himself or herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
 - (c) Council – shall mean the Inter-Agency Council Against Trafficking created under Section 6 of R.A. No. 9208 as amended by R.A. No. 10364.
 - (d) Debt Bondage – refers to the pledging by the debtor of his/her personal services or labor or those of a person under 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.
 - (e) Forced Labor – refers 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 including any work or service extracted from any person under the menace of penalty.
 - (f) Involuntary Servitude – refers to a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of legal process.
 - (g) Sexual Exploitation – refers to participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other considerations or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position of legal process, taking advantage of vulnerabilities of the person, or giving, or receiving of payments or

benefits to achieve the consent of a person having control over another person; or facilitated by any means as provided in these acts.

- (h) Slavery – refers to the status or condition of a person over whom any or all of the powers attaching to the right ownership are exercised.
- (i) Trafficking in Persons – refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, 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 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 for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of other or other forms of sexual exploitation, forced labor or services, slavery, 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 the purpose of exploitation shall also be considered as Trafficking in Persons even if it does not involve any means set forth in the preceding paragraph, pursuant to R.A No. 10364.

The use, procuring or offering of a child for the production and trafficking of drugs.

The use, procuring or offering of a child for illegal activities or work, which by nature or the circumstances it is carried out, is likely to harm their health, safety and morals.

- (j) Pornography – refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means of a person engage in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.
- (k) Prostitution – refers to any act, transaction, scheme, or design involving the use of person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- (l) Recovery and Reintegration Programs for TIP – DSWD comprehensive program that ensures adequate recovery and reintegration services provided to trafficked persons.
- (m) Victim Processing Center – a discrete, secure and dignified space of victims for a stay of at least 3 days to allow immediate/initial; processing of the survivor's reaction after rescue, completion of key post-operation

post-operation support activities and gather victim testimonies to be submitted in legal proceedings against their perpetrators.

- (n) Sex Tourism – refers to a program organized by travel and tourism-related establishment and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticements for tourists.
- (o) LCAT-VAWC – refers to Mandaluyong City Council on Anti- Trafficking.
- (p) GAD – refers to Gender and Development.
- (q) GFPS – refers to GAD Focal Point System.
- (r) GPB – refers to Gender and Development Plan and Budget.
- (s) BCPC – refers to Barangay Council for the Protection of Children.

SECTION 4. MANDALUYONG CITY COUNCIL ON ANTI-TRAFFICKING-
Pursuant to Executive Order No. 32, the Mandaluyong City Council on Anti-Trafficking (LCAT-VAWC) is hereby created.

The LCAT- VAWC shall serve as the primary arm of the City Government of Mandaluyong City in the implementation of the provisions of this Ordinance.

Its composition shall include:

- | | | |
|------------------|---|---|
| Chairperson | : | City Mayor |
| Co-Chairperson | : | City GAD Focal Person |
| Vice Chairperson | : | SP Chairperson of the Committee on Women, Children and Family |
| Members | : | |
- Representatives of the following office and their alternates
- City Planning and Development Coordinator
 - Office of the City Mayor
 - City Social Welfare and Development Officer
 - City Health Officer
 - City Public Employment Services Officer (PESO)
 - City Prosecutor
 - Liga ng mga Barangay President

- City Director/City Local Government Operations Officer
- Mandaluyong PNP
- City Legal Department
- Gender and Development Office
- NGO Representatives of the following sectors:

- a) Women - Kababaihan Kakaiba ng Mandaluyong Soroptimist International of Mandaluyong
- b) OFW - Mandaluyong OFW Family Circle Inc.
- c) Children - Samahan sa Mandaluyong ng mga Kabataang Nagkakaisa (SAMAKANA) Barangay Nutrition Action Officers (BNAO) Unang Hakbang Foundation

The City GAD focal person shall be the Action Officer of the committee to manage the day-to-day operations of the committee

The City Social Welfare Development Department shall act as the Secretariat.

SECTION 5. MEETINGS AND QUORUM. – The LCAT-VAWC shall meet quarterly in a year. Special meetings may be called upon by the Chairperson or upon the request of the majority of the Committee members.

SECTION 6. DUTIES AND FUNCTIONS OF THE LCAT-VAWC.

- a) Institute policies and programs protecting victims of human trafficking and violence especially, women and children;
- b) Undertake information, education, and advocacy campaign against trafficking in persons and VAWC;
- c) Monitor and oversee the strict implementation of RA 9208, RA9262, RA11930 and other related laws for the protection of women and children, and of the IACAT and IACVAWC national plans of action;
- d) Implement the program and activities as stated in the national plan of action; and
- e) Submit a comprehensive report on the programs undertaken to the Regional IACAT-VAWC and/or National IAC as may be required.

SECTION 7. ANTI-TRAFFICKING IN PERSONS DATABASE. – The Local Government of Mandaluyong City through the City Social Welfare and Development Department (CSWDD) shall monitor and document cases of trafficking in persons within its territorial jurisdiction.

The CSWDD, in coordination with the City Planning and Development Department and the Mandaluyong City Gender and Development Council, is hereby tasked to ensure the harmonization and standardization of databases, including minimum data requirements, definitions, reporting formats, data collection systems, and data verification systems. Such databases shall have, at the minimum, the following information:

- (a) The number of cases of TIP, sorted according to status of cases, including the number of cases being investigated, submitted for prosecution, dropped, and filed and/or pending before the courts and the number of convictions and acquittals;
- (b) The demographic profile/ information on each case (sex and age disaggregated);

SECTION 8. REPORTORIAL DUTY. – the LCAT-VAWC, through the City Mayor, shall submit to the Inter-Agency Council Against Trafficking (IACAT) Chair a report including highlights of major achievement, best practices, etc. on or before February 15 of every year, with respect to the preceding year's programs and data on trafficking-related cases.

SECTION 9. PROVISION OF FINANCIAL ASSISTANCE TO VICTIM AND SURVIVORS OF TRAFFICKING. - the City Government of Mandaluyong City shall provide financial assistance for victims/survivors of TIP and other forms of Sexual Exploitation. These assistances shall be used for medical, hospital, legal and educational needs of the victims/survivors. It can also be used for counseling and social intervention. The Social Services Development Department shall oversee assessment and recommendation of assistance of the victims/survivors of TIP and other forms of Sexual Exploitation.

SECTION 10. INFORMATION CAMPAIGN ON ANTI-TRAFFICKING. – The City Government of Mandaluyong, shall establish a Migrant Advisory and Information Network (MAIN) Desk.

- (a) A Migrant Advisory and Information Network (MAIN) desks shall be established in Mandaluyong City Hall. Barangays are hereby encouraged to put their own MAIN Desks as part of their programs on Anti-Trafficking, to undertake information dissemination campaign on trafficking in persons.

- (b) The City Government shall produce and publish information education and communication materials about trafficking in persons such as, but shall not be limited to, primers, flyers, brochures, posters, stickers, television/radio/print advertisements, and websites, which shall be made available in bus and jeepney terminals, and other similar places where acts of trafficking may be committed and/or facilitated.
- (c) In addition, the City Government of Mandaluyong shall conduct information dissemination activities at the barangay level and coordinate such activities with GAD Focal Point System, and DILG as provided for under Section 16 of R.A. No. 9208, as amended by R.A. No. 10364.

SECTION 11. INSTITUTION OF THE WORLD DAY AGAINST TRAFFICKING.

– In order to raise awareness of the situation of victims of human trafficking and for the promotion and protection of their rights, and July 30 of every year, having been declared as “World Day Against Trafficking”, activities in observance thereof shall be undertaken in the City under the auspices of the LCAT-VAWC.

SECTION 12. DEVELOPMENT OF CITY AND BARANGAY TRAFFICKING IN PERSONS PREVENTION PLAN. – To ensure the increased protection of the constituency especially women and children against trafficking a Trafficking in Persons Prevention Plan (TIPPP) shall be formulated and approved at the Barangay and City level.

SECTION 13. CONDUCT OF INTENSIVE ADVOCACY CAMPAIGN TO SCHOOLS ON CHILD SEXUAL ABUSE AND EXPLOITATION PREVENTION. - In addition to the intensified advocacy program of the City Government of Mandaluyong City on TIP, the LCAT-VAWC shall undertake the conduct of advocacy campaigns through various media and forum in all schools of Mandaluyong City. It shall undertake, in consultation with the Mandaluyong Education Unit and the Department of Education Schools Division Office, the formulation of age-appropriate and gender sensitive modules, learning materials and production of advocacy materials in various media.

SECTION 14. CANCELLATION OF LICENSES OF ESTABLISHMENTS ENGAGED IN TRAFFICKING ACTIVITIES, - The Office of the City Mayor, through the City Business Permits and Licensing Department (BPLD), shall, after due notice and hearing, effect the cancellation of business permits and licenses of establishments on the following grounds;

- a) Upon lawful order of the court;
- b) Upon issuance of permanent closure order by the Department of Labor and Employment for violation of R.A. No. 9231 (An Act Providing the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child) in relation to R.A. No. 10364;

- c) When the establishment or its owner or any of its staff violates the provisions of R.A. No. 10364.

The proceedings arising from this Section shall be summary in nature.

Upon receipt of the Order of the Court (Sec 15.a), order of the DOLE (Sec. 15.b) or information or report that an establishment or its personnel had violated any provisions of R.A. No. 10364 the Office of the City Mayor or through the Head of the BPLD, shall send a Show Cause Order to the registered owner of the concerned establishment requiring the latter to submit evidence why the cancellation of the business is not an appropriate remedy.

The concerned business establishment shall have a period of three (3) days to submit countervailing evidence upon receipt of the order. No motion or request for extension shall be entertained, and such motion shall be taken as a waiver on the part of the establishment to contest the findings and recommendations of the Office of the City Mayor. Upon receipt of the reply, the Office of the City Mayor shall forthwith resolve the issue within the period of not more than ten (10) days.

The Order canceling the business permit shall take effect immediately upon signing of the Mayor. No motion for reconsideration shall be entertained.

SECTION 15. ADDITIONAL REQUIREMENTS FOR SPECIFIC BUSINESS ESTABLISHMENTS APPLYING FOR A BUSINESS LICENSE. - In addition to the usual requirements for the issuance of a business license, specific business establishment listed below shall undergo an orientation on Anti-Trafficking in Persons prior to the issuance of business permit.

- (a) Bars, nightclubs, videoke bars, KTV bars, Philippine recruitment agency 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 evidences of proof of birth such as Baptismal certificate, school ID should be kept as proof of age of majority.

- (b) The owner, proprietor or manager of boarding houses, pension houses, dormitories and similar establishment 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 LCAT-VAWC Office.
- (c) The owner, proprietor or manager of internet cafes, computer rental shop, computer gaming shops or centers, and similar establishment 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.

SECTION 16. PENALTIES. – The willful refusal to sign the aforementioned undertaking as required above shall be sufficient ground for the non-issuance of the business permit or renewal thereof. The subsequent failure of the business establishment to secure the birth certificate of applicants, the submission of falsified birth certificates or the failure to keep employees' birth certificates as required in the record of employment shall be a ground for the suspension of the operation of the business establishments, or even the cancellation of its business permit.

The owner, president, partner, or manager or any other officer of business establishments who violated the provisions of R.A. No. 10364 shall not be issued a new business license to operate any similar establishment under a different name within Mandaluyong City.

SECTION 17. APPROPRIATION. – An annual amount of Three Hundred Thousand Pesos (P300,000.00) shall be allocated for the expenses for the implementation of this Ordinance. The annual budget of the LCAT-VAWC for purposes of implementing this Ordinance shall be drawn from the Office of the City Mayor to be included in the Gender and Development (GAD) Fund of the LGU.

The annual appropriation of the Office of the City Mayor shall not limit other departments or offices from including in their proposed annual budget, programs, projects and activities on Anti-Trafficking.

SECTION 18. IMPLEMENTING RULES AND REGULATIONS. – The LCAT-VAWC shall promulgate the necessary rules and regulations for the smooth implementation of this Ordinance. Provided that, provisions stated herein which are executory in nature, shall be in full effect.

SECTION 19. REPEALING CLAUSE. – All ordinances, resolutions, executive issuances, or rules and regulations, or parts thereof, which are inconsistent with or contrary to the provisions of this Ordinance, are hereby deemed repealed, amend, or modified accordingly.

SECTION 20. APPLICABILITY CLAUSE. – The provisions of existing ordinances, resolutions, or executive orders dealing with related subject matter such as protection against child labor and exploitation, anti-violence against women and children, and the like which are not contradictory with this Ordinance, are hereby adopted as an integral part of this Ordinance.

SECTION 21. SEPARABILITY CLAUSE. – If for any reason, any section, or provisions of this Ordinance is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 22. EFFECTIVITY CLAUSE. – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation.

ENACTED on this 8th day of April 2024, in the City of Mandaluyong.

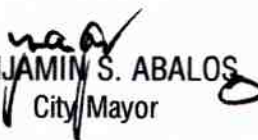
I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED BY THE SANGGUNIANG PANLUNGSOD
OF MANDALUYONG IN A REGULAR SESSION HELD ON
THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

APPROVED BY:


CARMELITA A. ABALOS
City Vice Mayor
& Presiding Officer


BENJAMIN S. ABALOS
City Mayor
Date: APR 25 2024