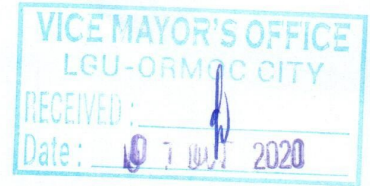


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,  
ORMOC CITY HALL BUILDING  
ON SEPTEMBER 29, 2020



PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Benjamin S. Pongos, Jr.,	SP Member
Roiland H. Villasencio,	SP Member, Majority Floor Leader
Tomas R. Serafica,	SP Member
Nolito M. Quilang,	Asst. Majority Floor Leader, SP Member
Eusebio Gerardo S. Penserga,	SP Member
Jasper M. Lucero,	SP Member
Peter M. Rodriguez,	SP Member
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Lalaine A. Marcos,	SP Member
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Joan Marbie C. Simbajon,	Ex-Officio SP Member, Chapter President, Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

**EXPLANATORY STATEMENT**

WHEREAS, trafficking in persons has long been in existence. History tells us that human trafficking is an evil but lucrative trade. It is the source of slavery, prostitution, illegal organ donations, and involuntary disappearances of people of all ages, race and religion.

WHEREAS, it is also well-documented that calamities are fertile grounds for illegal trafficking. As widespread poverty sweeps the land grappling from various calamities and the current Covid-19 pandemic, people desperate for food, work and a better life, all become vulnerable to the machinations of illegal traffickers out to profit from them in any way possible. Sadly, worldwide statistics show that 70% of those victimized are women and children.

WHEREAS, the Republic of the Philippines has enacted Republic Act No. 9208 or the "Anti-Trafficking in Persons Act of 2003" last 12<sup>th</sup> of May 2003 which was signed into law by President Gloria Macapagal-Arroyo on the 26<sup>th</sup> of May 2003; the law become effective on the 19<sup>th</sup> of June 2003;

WHEREAS, pursuant to Section 19 of the Implementing Rules and Regulations of the Republic Act No. 9208, it states that Local Government Units (LGUs) shall enact ordinances aimed at providing protection and support of trafficked persons and their families;

WHEREAS, Republic Act 10364, an Act expanding Republic Act 9208, was enacted 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 violation and for other purposes, passed into law on 4<sup>th</sup> December 2012 and approved by President Benigno Aquino III on 6<sup>th</sup> February 2013;

WHEREAS, Ormoc City, being a major transit point in Eastern Visayas having one of the busiest ports in the country and gateway to and from the rest of Visayas, Mindanao and Luzon, has had its experience with trafficking in persons wherein most victims are marginalized women and children. **From records obtained from the City Social Welfare Department (CSWD), Ormoc has had seventeen (17) cases of human trafficking recorded from 2013-2019;**

WHEREAS, the problem of trafficking in persons should be immediately and effectively addressed by the City Government of Ormoc to protect its people, especially women and children, from further being exploited and abused through trafficking;

WHEREFORE, on joint motion of SP Member Lalaine A. Marcos, Chairman, Committee on Women, Family & Gender Development and SP Member Gregorio G. Yrastorza III, Chairman, Committee on Justice and Peace & Order, severally seconded by SP Members Tomas R. Serafica, Esteban V. Laurente, Peter M. Rodriguez, Eusebio Gerardo S. Penserga, Joan Marbie C. Simbajon, Jasper M. Lucero and Vincent L. Rama; be it

RESOLVED, to enact:

**ORDINANCE NO. 040  
(Series of 2020)**

**ANTI-TRAFFICKING IN PERSONS ORDINANCE OF ORMOC CITY.**

BE IT ENACTED by the 15<sup>th</sup> Sangguniang Panlungsod of Ormoc in regular session assembled that:

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

**SECTION 2. POLICIES AND PRINCIPLES.** – It is hereby declared that the local government of Ormoc City values the dignity of every human person and guarantees the respect of individual rights. Towards this end, the local government shall give highest priority to the enactment of measures and development of programs that will promote human dignity and protect the people from any threats of violence and exploitation.

The local government of Ormoc City recognizes its vital role in addressing the problem of trafficking in persons, especially women and children, at the local level by instituting policies and programs to prevent, protect and rehabilitate victims of trafficking.

**SECTION 3. DEFINITION OF TERMS.** – As used in this Ordinance the following terms shall mean:

- (a) **Trafficking in Persons (TIP)** – 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 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 for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or others or other forms of sexual exploitation, forced labor or services, 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 not involve any of the means set forth in the preceding paragraph.

- (b) **Online Trafficking** – refers to trafficking via online channels, whereby traffickers use the internet to recruit and advertise victims on online classified and social networking sites.
- (c) **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, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- (d) **Online Sexual Exploitation of Children (OSEC)** – includes all acts of a sexually exploitative nature carried out against a child that have, at some stage, a connection to the online environment. It includes any use of information and communications technology that results in sexual exploitation or causes a child to be sexually exploited or that results in or causes images or other material documenting such sexual exploitation to be produced, bought, sold, possessed, distributed, or transmitted.
- (e) **Prostitution** – refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- (f) **Forced Labor and Slavery** – refer 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.
- (g) **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 the legal process.
- (h) **Sex Tourism** – refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.
- (i) **Sexual Exploitation** – refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.

- (j) **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.
- (k) **Pornography** – refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.
- (l) **Exploitative Dance** – As defined in Section 37 of the Ormoc City Ordinance No. 013, otherwise known as "The Revised Ormoc City Children's Welfare Code of 2016", is any program or show that allows children to wear revealing and provocative outfits for indecent presentations and/or exploitative purpose.
- (m) **Sextortion** – refers to producing and/or utilizing sexual images and/or videos depicting a person for the purposes of sexual, financial, or other personal gains. Offender is usually known to the victim and sexual abuse material is self-produced through manipulation of the victim.
- (n) **Other Places of Amusement** – refer to all other places of amusement not specifically enumerated or otherwise provided for in this Code, includes but not limited to night/day clubs, cocktail lounges, super or family clubs, disco houses, minus-one or sing-along houses, bars or beerhouses, fastfood centers showing sports competitions, replay videocassette films/movies and other places of amusement where one seeks admission to entertain oneself by seeing or viewing or by direct participation.
- (o) **Ormoc City Council for the Welfare of Children (OCCWC)** – a policy recommending, program planning, project monitoring and coordinating body for all programs and activities for children within the jurisdiction of Ormoc City.
- (p) **Women and Children Crisis Center (WCCC)** – a victim management center which has a witness protection and support services program for victims of trafficking that provides basic welfare and legal services, and financial support or temporary alternative livelihood opportunities.
- (q) **Ormoc City Committee Against Trafficking and Violence Against Women and Children (OCCAT/VAWC)** – a committee composed of government agencies and selected non-government organizations whose mandates are relevant to trafficking in persons, violence against women and children, and child pornography. This local inter-agency council is envisioned to serve as the coordinating and monitoring body on anti-trafficking, anti-VAWC and anti-child pornography initiatives, respectively.

**SECTION 4. SCOPE AND APPLICATION.** – This ordinance shall address the concerns and cases based on R.A. 9208 as amended by R.A. 10364.

**SECTION 5. 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, obtain, hire, provide, offer, transport, transfer, maintain, harbor, 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, or sexual exploitation;
- (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 persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (g) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive 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;
- (i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child to engage in armed activities in the Philippines or abroad;
- (j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide or receive a person by means defined in Section 3 of this Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either:
  - (1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or
  - (2) To abuse or threaten the use of law or the legal processes; and
- (k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of baring and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:
  - (1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict;
  - (2) The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;
  - (3) The use, procuring or offering of a child for the production and trafficking of drugs; and
  - (4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals; and

- (l) To organize or direct other persons to commit the offenses defined as acts of trafficking under this Act.

**SECTION 6. 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 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, of 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 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 at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting 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; 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.

**SECTION 7. 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).

**SECTION 8. ATTEMPTED TRAFFICKING IN PERSONS.** – 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 trafficking in persons. As such, an attempt to commit any of the offenses enumerated in Sections 5, 6 and 7 of this Ordinance shall constitute attempted trafficking in persons.

In cases where the victim is a child, any of the following acts shall also be deemed as attempted trafficking in persons:

- (a) Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the City Social Welfare and Development Office, or a written permit or justification from the child's parent or legal guardian;
- (b) When a pregnant mother, father or guardian executes an affidavit of consent for adoption for consideration, or consent, participates or in any manner causes the registration of the birth of such child in the name of another with or without consideration;
- (c) When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;
- (d) When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking; and
- (e) When a person engages in the act of finding children among low income families, hospitals, clinics, nurseries, day care centers or other child caring institutions who can be offered for the purpose of child trafficking; or
- (f) When a person, authority, agency or institution who are witnesses to and fails to report transactions related to circumstances in child trafficking.

**SECTION 9. ROLE OF THE CITY GOVERNMENT OF ORMOC.** – To contribute to international and national efforts to address the problem of trafficking in persons, the City Government of Ormoc shall implement programs and services that will contribute to the prevention, protection and rehabilitation of trafficked persons in the City, pursuant to R.A. 9208, as amended by RA 10364:

- (a) Implement the mandatory services enumerated in Section 11 of this Ordinance;
- (b) Develop and disseminate information materials on anti-trafficking;
- (c) Ensure that the ATIP Program shall be handled by competent and regular personnel of the CSWD who are trained in the implementation of this Ordinance and related National Laws;
- (d) Institute or strengthen counter-trafficking support services and programs;
- (e) Establish a system of referral, monitoring and reporting of trafficking cases using the prescribed standard reporting form;
- (f) Establish Anti-trafficking Help Desks in all the city's land transportation terminals, domestic seaports and airports and monitor the filing of appropriate cases against the traffickers;

- (g) Formulate plans and programs for the prevention and/or reduction of trafficking in persons;
- (h) Integrate in the program of instruction, comprehensive, gender sensitive and child-friendly investigation and handling of cases of trafficking in persons by the Ormoc City Police Office;
- (i) Conduct inspection, in coordination with proper authorities, of houses, buildings or establishments suspected of being used for trafficking activities; and
- (j) 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.
- (k) Ensure that City Tourism Programs should make sure that their plans and programs include Anti-Trafficking In Persons (ATIP) initiatives.

**SECTION 10. ORMOC CITY COMMITTEE AGAINST TRAFFICKING AND VIOLENCE AGAINST WOMEN AND CHILDREN (OCCAT/VAWC).** – The

OCCAT/VAWC established by the City Government of Ormoc through Executive Order No. 74, "An Order Creating the Ormoc City Committee Against Trafficking and Violence Against Women and Children (OCCAT/VAWC) to build and strengthen local structure that will collaboratively address the problem of trafficking and VAWC, the composition and functions of which are specifically in pursuant to Department of Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD) and Department of Justice (DOJ) Joint Memorandum Circular No. 2010-01, mandating the Creation of Local Committees on Anti-Trafficking and Violence Against Women and Children.

The OCCAT/VAWC shall be composed of:

- CHAIRMAN : City Mayor  
Members : SP Chairperson, Committee on Children, Women, Gender and Development  
President, Liga ng mga Barangay  
President, Ormoc Sangguniang Kabataan  
Head, City Social Welfare Department  
Head, Integrated Population, Gender and Development Office  
Head City Planning and Development Office  
Head, City Health Office  
Head, City Tourism Office  
Head, Business Permits and Licensing Office  
Head, City Youth and Development Office  
City Prosecutor  
City Local Government Operations Officers  
City Director, Ormoc City Police Office  
Head, Public Employment Services Office  
Head, Philippine Ports Authority (Ormoc)  
Head, Ormoc City Terminal Management Office  
Representative, Department of Education  
Representative, Ormoc City Hotel and Restaurant  
Representative, Travel and Tours Association  
Representative, ECLIPSE  
Representative, Kiwanis Club of Geo-Ormoc

**SECTION 11. ANTI-TRAFFICKING IN PERSONS DATABASE.** – The City Social Welfare Department, in close coordination with the Ormoc City Police Office, shall monitor and document cases of TIP by ensuring 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 trafficking in persons, 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;
- (c) The number of victims of trafficking in persons referred to the agency by destination countries/areas and by area of origin; and
- (d) Sex and age disaggregated data on trafficking victims and the accused/defendants.

**SECTION 12. CANCELLATION OF LICENSES OF ESTABLISHMENTS WHICH VIOLATE THE PROVISIONS OF R.A. 9208, AS AMENDED BY RA 10364.** – The Office of the City Mayor shall effect the cancellation of any business permits and licenses of establishment which violate the provisions of R.A. 9208, as amended by RA 10364.

- (a) The OCCAT/VAWC shall conduct quarterly inspection, in coordination with proper authorities and upon lawful order of the court, of houses, buildings or establishments reported as being used for TIP activities;
- (b) The unjustifiable refusal of the owner or person in charge of any house, building or establishment to submit the same for inspection by OCCAT/VAWC shall give rise to prima facie presumption of willfully impeding and/or obstructing the mandated duty of the City Government to monitor and document trafficking cases, and may expose the owner or person in charge to possible prosecution for violation of ordinance;
- (c) The lack of birth certificates or the possession of falsified birth certificates in the record of employment shall be a ground for the immediate denial or cancellation of the business licenses;
- (d) In addition to the penalties and sanctions imposed by R.A. 9208 as amended by RA 10364, if the offender is a corporation, partnership, association, club, establishment or juridical person in possession of a business license issued by the City, such business license shall immediately be cancelled or revoked permanently. The owner, president, partner or manager thereof shall not be issued a new business license to operate any similar establishment under a different name within the City; and
- (e) The Office of the City Mayor shall send the show cause order within twenty-four (24) hours upon the receipt of the recommendation of the inspector for the cancellation of the business license. The concerned business establishment shall have a period of three (3) days to submit countervailing evidences upon receipt of the order. No motion request for extension shall be allowed. Failure to submit the countervailing evidences within the period shall be taken as a waiver on the part of the establishment to contest the findings and recommendations of the Office of the Mayor. Upon receipt of the reply, the Office of the Mayor shall forthwith resolve the issue within the period of not more than ten (10) days.

The order cancelling the business permit shall take effect immediately. No motion for reconsideration shall be entertained.

**SECTION 13. ORIENTATION ON ANTI-TRAFFICKING IN PERSONS FOR SPECIFIC BUSINESS ESTABLISHMENTS.** – The Business Permits and Licensing Office (BPLO) shall recommend to specific business establishments listed below that the City Government of Ormoc through the City Social Welfare Department (CSWD) and Integrated Population Gender and Development Office (IPGDO) to undergo Orientation on Anti-Trafficking in Persons to heighten their awareness, be vigilant and not engage in any acts which promote and condone trafficking:

- (a) Bars, nightclubs, videoke bars, KTV bars, massage parlors, promotion centers and other places of amusement providing adult entertainment;
- (b) Promotion agencies, travel agencies, land, air and sea transportation companies, talent agencies, recruitment and placement agencies;
- (c) Boarding houses, pension houses, inns, hotels and dormitories, and similar establishments;
- (d) Internet Cafes, Computer rental shops, Computer-gaming shops or centers and similar establishments; and
- (e) Hospitals and Clinics.

**SECTION 14. ENSURE EFFECTIVE PROSECUTION OF TRAFFICKING CASES.** – The City Government shall ensure the effective prosecution of cases of trafficking in persons committed in Ormoc City. To facilitate the successful investigation and prosecution of trafficking cases, the City Government of Ormoc shall initiate the establishment of the Women and Children Crisis Center (WCCC) which shall become the victim management center and shall establish a witness protection and support services program for victims of trafficking that shall include, but not limited to, the establishment of safe house for rescued victims, basic welfare and legal services, incentives in the form of financial support or temporary alternative livelihood opportunities.

**SECTION 15. MANDATORY SERVICES TO TRAFFICKED PERSONS.** – Pursuant to Section 23 of R.A. 9208, the City Government shall, in coordination with concerned government agencies, make available the following services to trafficked persons, if applicable:

- (a) Emergency shelter or appropriate housing;
- (b) Counseling;
- (c) Free legal services which shall include information about the victim's rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person;
- (d) Medical or Psychosocial services;
- (e) Livelihood and skills training; and
- (f) Educational assistance to a trafficked child

**SECTION 16. CONFIDENTIALITY.** – At any stage of the investigation, prosecution and trial of an offense under this Ordinance shall recognize the right to privacy of the trafficked person and the accused. Towards this end, the following shall be observed:

- (a) Law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial;
- (b) The name and personal circumstances of the trafficked person or of the accused, or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public;
- (c) In cases when prosecution or trial is conducted behind closed-doors, it shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or information technology to cause publicity of any case of trafficking in persons; and
- (d) Any records regarding a child shall be confidential and kept under seal. Except upon written request and order of the court, a record shall be released only to the following:

- 1) Members of the court staff for administrative use;
- 2) The prosecuting attorney;
- 3) The defense counsel;
- 4) The guardian;
- 5) Agents of investigating law enforcement agencies;
- 6) Members of the OCCAT/VAWC who are maintaining the database; and
- 7) Officials, employees, and other persons involved in the handling/assisting cases related to ATIP shall sign a non-disclosure agreement/undertaking for the purpose of confidentiality.

**SECTION 17. MIGRANT ADVISORY AND INFORMATION (MAIN) DESK.**

– The City Government through its Public Employment Services Office (PESO) shall undertake an information campaign against trafficking in persons through the establishment of the Migrant Advisory and Information (MAIN) desk in all processes involving overseas employment. Such desk shall be coordinated with the Department of Interior and Local Government (DILG), Philippine Information Agency (PIA), Commission on Filipinos Overseas (CFO), NGOs and other concerned agencies for providing relevant information on TIP as well as records and updated lists of legit overseas job orders and employment agencies.

**SECTION 18. ENCOURAGE AND SUPPORT COMMUNITY-BASED INITIATIVES.** – The City Government shall encourage and support conduct of information dissemination activities in barangays, schools, churches and other communities which are geared towards the prevention of TIP.

In coordination with the information and communication arm of the City Mayor's Office, the City Government shall produce and publish information, education and communication materials about trafficking in persons which shall include warning stickers to be posted in public places like hotels, inns, piers, ports, bus, motor cab and jeepney terminals and other similar places where acts of trafficking may be committed.

**SECTION 19. OBSERVANCE OF THE WORLD DAY AGAINST TRAFFICKING (JULY 30) AND INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN (NOVEMBER 25).** – In order to raise the awareness of the general public on the situation of victims of TIP and VAW, and for the promotion and protection of their rights, July 30 and November 25 of every year shall be observed and declared as special working holiday for the celebration of World Day Against Trafficking and International Day for the Elimination of Violence Against Women, respectively.

The OCCAT/VAWC, in coordination with Regional Inter-Agency Council Against Trafficking (RIACAT) and other concerned agencies, shall lead the preparations and activities in the City of Ormoc.

**SECTION 20. COORDINATION WITH THE ORMOC CITY COUNCIL FOR WOMEN (OCCW) AND ORMOC CITY COUNCIL FOR THE WELFARE OF CHILDREN (OCCWC).** – The OCCAT/VAWC shall closely coordinate with the Ormoc City Council for Women (OCCW) and the Ormoc City Council for the Welfare of Children (OCCWC) in cases of policies on trafficking of women and children.

**SECTION 21. PENALTIES.** – The prohibited acts in this Ordinance shall be penalized in accordance with Section 10 of Republic Act 9208.

**SECTION 22. APPROPRIATION.** – For the effective implementation of this Ordinance, pursuant to the provisions of RA 9208 as amended by RA 10364, the City Government shall include in its 5% annual GAD plan and budget the funding requirement for this concern. As part of the regular programs of the CSWD, CHD, and IPGDO, said local departments/offices shall likewise ensure that part of their annual regular budgets have allocations for this purpose.

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**SECTION 23. IMPLEMENTING RULES AND REGULATIONS.** – The Ormoc City Committee Against Trafficking (OCCAT) shall formulate the IRR within 60 day from the passage of this Ordinance.

**SECTION 24. SEPARABILITY CLAUSE.** – If, for any reason, any section or provision of this Ordinance is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

**SECTION 25. REPEALING CLAUSE.** – Any provision/s of an ordinance, rules, and regulations and/or part/s thereof inconsistent with the provision/s of this ordinance are hereby repealed and/or modified accordingly.

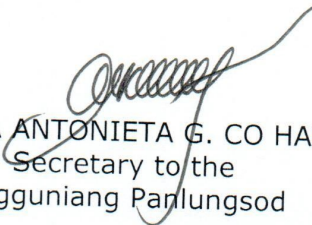
**SECTION 26. EFFECTIVITY.** – This Ordinance shall take effect fifteen (15) days upon its approval.

ENACTED, September 29, 2020.

RESOLVED, FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Health Department; City Social Welfare Department; IPGDO; CPDO; the City Tourism Office; BPLO; City Youth & Development Office; the City Director, Ormoc City Police Office; PESO; the Philippine Ports Authority-Ormoc; the City Terminal Management Office; the DepEd Ormoc City Division; ECLIPSE; Representative, Ormoc City Hotel & Restaurant; Representative, Travel & Tours Association; the Office of the Liga ng mga Barangay ng Ormoc; the Office of the SK President, Pederasyon ng mga Sangguniang Kabataan ng Ormoc; the City Prosecutor's Office; the Municipal Trial Court in Cities; the City Local Government Operations Officer-DILG; to the One Hundred Ten (110) Barangays of Ormoc City and other offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above ordinance.

  
MARIA ANTONIETA G. CO HAT  
Secretary to the  
Sangguniang Parlunsod

ATTESTED:

  
LEO CARMELO L. LOCSIN, JR.  
City Vice Mayor & Presiding Officer

APPROVED:

  
RICHARD I. GOMEZ  
City Mayor

06 OCT 2020

(Date)