



**5<sup>th</sup> SANGGUNIANG PANLUNGSOD**

**CITY ORDINANCE NO. 06, SERIES 2020**

**“AN ORDINANCE CREATING THE BAYBAY CITY INTER-AGENCY COUNCIL AGAINST TRAFFICKING IN PERSONS, DEFINING ITS FUNCTIONS AND FOR SUCH OTHER PURPOSES”**

**Authored by: Hon. Jose Rommel A. Peñaranda**

WHEREAS, the State values the dignity of every human person and guarantees the respect of individual rights;

WHEREAS, Congress enacted Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, with the sole objective of eliminating trafficking in persons and ensure the victim's recovery, rehabilitation and reintegration into the mainstream of society thereby promoting the dignity of every human being;

WHEREAS, under Section 144 Paragraph 2 of Rules and Regulations implementing RA 9208, the Local Government Unit is mandated to enact ordinances or issuances aimed at providing protection and support to trafficked persons and their families;

NOW THEREFORE, on motion of Honorable Atty. Jose Rommel A. Peñaranda and duly seconded by the majority of the council members present;

BE IT ORDAINED, as it is hereby ordained by the Sangguniang Panlungsod of the City of Baybay, Province of Leyte, in its Regular Session duly assembled that:

**Section 1. Title.** – This Ordinance shall be known as the Local Inter-Agency Council Against Trafficking in Person or Local IACAT.

**Section 2. Declaration of Policy.** – It is hereby declared that the City values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the City 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.

It shall be a policy of the City to recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families. United Nations



Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.

**Section 3. Local Inter-Agency Council Against Trafficking.** – There is hereby established in the City of Baybay a Local Inter-Agency Council Against Trafficking, to be composed of the City Mayor as Chairperson and the City Vice-Mayor as the Vice-Chairperson and shall have the following as members:

- a) City Social Welfare Officer
- b) City Health Officer
- c) City Legal Officer
- d) City Public Employment Services Officer
- e) City Administrator
- f) Chairperson, SP Committee on Social Welfare
- g) Chairperson, SP Committee on Health
- h) Chairperson, SP Committee on Barangay Affairs
- i) Chairperson, SP Committee on SK Affairs
- j) Chairperson, SP Committee on Peace and Order
- k) Chief of Police, PNP Baybay City
- l) City Prosecutor
- m) BTTMO Head
- n) Representative, Public Attorney's Office Baybay
- o) Representative, Philippine Coast Guard – Baybay Station
- p) Representative, Philippine Army
- q) Schools Division Superintendent or his representative/s, Department of Education
- r) President or his representative/s, Visayas State University
- s) President or his representative/s, Franciscan College of the Immaculate Conception
- t) Representative from other private schools or institutions
- u) Representative, TESDA
- v) Three (3) representatives from NGOs, who shall be composed of one (1) representative each from among the sectors representing women, overseas Filipino workers (OFWs) and children, with a proven record of involvement in the prevention and suppression of trafficking in persons. These representatives shall be nominated by the government agency representatives of the Council, for appointment by the City Mayor for a term of three (3) years.

**Section 4. Functions of the Council.** – The Council shall have the following powers and functions:

- A. Oversee the implementation of the provisions of Republic Act No. 9208 and its implementing rules and regulations, which includes the following:
  - 1. Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons;
  - 2. Monitor and oversee the strict implementation of the City's program on prevention and suppression of trafficking in persons;
  - 3. Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to trafficking in persons;



4. Coordinate the conduct of massive information dissemination and campaign on the existence of the law and the various issues and problems attendant to trafficking through the concerned offices, agencies and/or NGOs;
5. Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;
6. Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of the law;
7. Formulate a program for the reintegration of trafficked persons in cooperation with DOLE, DSWD, Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), and NGOs;
8. 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 provisions of the law;
9. Develop the mechanism to ensure the timely, coordinated, and effective response to cases of trafficking in persons;
10. Coordinate with the Department of Transportation and Communications (DOTC), Department of Trade and Industry (DTI), and other NGOs in monitoring the promotion of advertisement of trafficking in the internet;
11. Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the City;
12. Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons; and
13. Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of Republic Act No. 9208.

**Section 5. Secretariat to the Council.** – The City Administrator shall act as the Secretariat for the Council.

**Section 6. Mandatory Services to Trafficked Persons.** – To ensure recovery, rehabilitation and reintegration into the mainstream of society, the City, through the cooperation of concerned government agencies, shall make available the following services to trafficked persons:

- a. Emergency shelter or appropriate housing;
- b. Counseling;
- c. Free legal services which shall include information about the victims' 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 psychological services;
- e. Livelihood and skills training; and
- f. Educational assistance to a trafficked child;
- g. Sustained supervision and follow through mechanism that will track the progress of recovery, rehabilitation and reintegration of the trafficked persons shall be adopted and carried out.

**Section 7.** The Council shall ensure that its programs are carried out accordingly to prevent and suppress trafficking in persons. It shall also ensure that all persons found to have committed acts or qualified acts of trafficking in persons, or promoting the trafficking of persons as provided in the next succeeding sections, are prosecuted and penalized in accordance with Section 10 of Republic Act No. 9208.

**Section 8. 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, 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 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 or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- g. To recruit, hire, adopt, transport 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; and
- h. To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

**Section 9. 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 10. 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 11. Presumption of Child Trafficking.** - Adults who are travelling with minors not their relatives by consanguinity or affinity, who failed to present appropriate documents are deemed to have committed acts constituting child trafficking.

**Section 12. Separability Clause.** - If any provision of this Ordinance is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

**Section 13. Repealing Clause.** - Pertinent provisions of all other laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**Section 14. Effectivity Clause.** - This Ordinance shall take effect 15 days upon its publication or after due compliance with all the requirements provided under R.A. 7160, otherwise known as the Local Government Code of 1991.

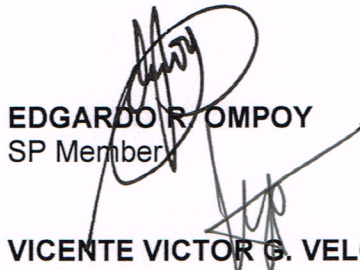
Enacted: January 30, 2020.  
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:

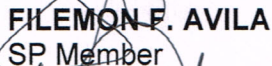
**ROMULO B. ALCALA**  
SP Member

**DR. FULTON IKE C. ARRADAZA**  
SP Member

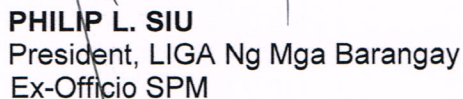


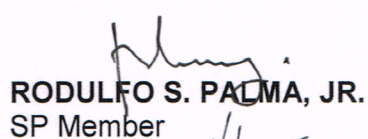
  
**EDGARDO R. OMPOY**  
SP Member

  
**VICENTE VICTOR G. VELOSO**  
SP Member

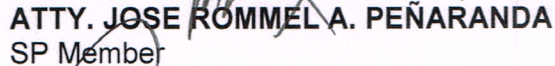
  
**FILEMON F. AVILA**  
SP Member

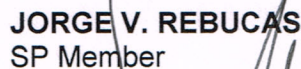
  
**DOMINADOR K. MURILLO, D.M.**  
SP Member

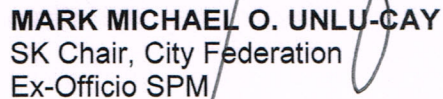
  
**PHILIP L. SIU**  
President, LIGA Ng Mga Barangay  
Ex-Officio SPM

  
**RODULFO S. PALMA, JR.**  
SP Member

  
**ARTURO ELISA O. ASTORGA**  
SP Member

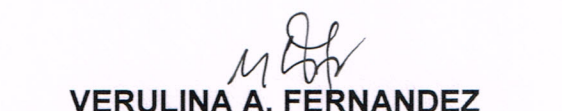
  
**ATTY. JOSE ROMMEL A. PEÑARANDA**  
SP Member

  
**JORGE V. REBUCAS**  
SP Member

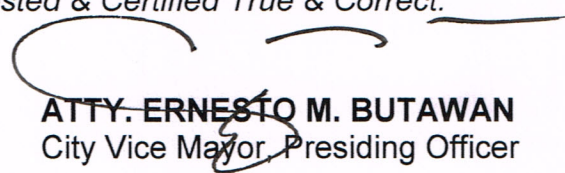
  
**MARK MICHAEL O. UNLU-CAY**  
SK Chair, City Federation  
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Evelinda A. Oppus; City Treasurer's office, CLGOO Estela I. Creer, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

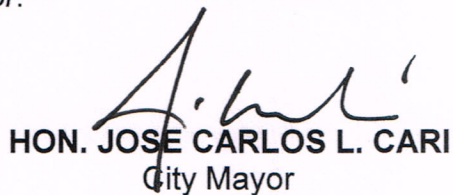
I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

  
**VERULINA A. FERNANDEZ**  
Records Officer II, Acting SP Secretary

*Attested & Certified True & Correct:*

  
**ATTY. ERNESTO M. BUTAWAN**  
City Vice Mayor, Presiding Officer

*Approved by His Honor.*

  
**HON. JOSE CARLOS L. CARI**  
City Mayor

Date Approved: 2/26/26