



Republic of the Philippines
PROVINCE OF NEGROS OCCIDENTAL
 Old Capitol Building, Bacolod City
 Tel. No. 707-8075 (Admin) * 435-7698 (Board Member) * 709-0121 (Legislative Division)
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD, NEGROS OCCIDENTAL ON THE 1ST DAY OF AUGUST 2023.

Present:

| | |
|--|-----------------------------------|
| Hon. Jeffrey P. Ferrer | Vice Governor / Presiding Officer |
| Hon. Rommel T. Debulgado | Member - 1 st District |
| Hon. Araceli T. Somosa | Member - 1 st District |
| Hon. Sixto Teofilo Roxas V. Guanzon, Jr. | Member - 2 nd District |
| Hon. Samson C. Mirhan | Member - 2 nd District |
| Hon. Manuel Frederick O. Ko | Member - 3 rd District |
| Hon. Andrew Gerard L. Montelibano | Member - 3 rd District |
| Hon. Jose Benito A. Alonso | Member - 4 th District |
| Hon. Andrew Martin Y. Torres | Member - 4 th District |
| Hon. Rita Angela S. Gatuslao | Member - 5 th District |
| Hon. Anthony Dennis J. Occeño | Member - 5 th District |
| Hon. Valentino Miguel J. Alonso | Member - 6 th District |
| Hon. Jeffrey T. Tubola | Member - 6 th District |
| Hon. Pocholo C. Yuvienco | Member – SK |
| Hon. Juvy A. Pepello | Member – ABC |
| On Official Business: | |
| Hon. Julius Martin D. Asistio | Member - PCL |

ORDINANCE NO. 2023-012
 Series of 2023

AN ORDINANCE MANDATING THE ENFORCEMENT AND IMPLEMENTATION OF THE PROVISIONS OF REPUBLIC ACT NO. 9208, OTHERWISE KNOWN AS THE “ANTI-TRAFFICKING IN PERSONS ACT OF 2003” AS AMENDED BY RA 10364, ALSO KNOWN AS THE “EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012” AND FURTHER AMENDED BY RA 11862, OTHERWISE KNOWN AS THE “EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2022

(Authored and Introduced by: Hon. Rita Angela S. Gatuslao)

SECTION 1. Title - This Ordinance shall be known as the “Anti-Trafficking in Persons Ordinance of the Province of Negros Occidental.”

SECTION 2. Declaration of Policies and Principles - It is hereby declared that the Province of Negros Occidental values the dignity of every human person and guarantees the respect of individual rights. Towards this end, the Provincial Government shall give the 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, 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 recovery, rehabilitation, and reintegration into mainstream society.

The Provincial Government of Negros Occidental recognizes its vital role in addressing the problem of trafficking in persons, especially women and children, at grassroots level by instituting policies and programs to prevent, protect, and rehabilitate victims of trafficking.

The Provincial Government shall also take a firm stance against trafficking in persons by penalizing certain acts or omissions that can be considered as violations of this Ordinance and the Law.



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SECTION 3. Definition of Terms - The following definition of terms are hereby adopted from the provisions of Republic Act No. 9208 as amended by Republic Act No. 10364, and further amended by Republic Act No. 11862:

- A. Trafficking in Persons (TIP) - refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, 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 the engagement of others for the production or distribution, or both, of materials that depict child sexual abuse or exploitation, 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 exploitative purposes, shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph. (n)

- B. Child – refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition. (RA 10364)
- C. 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. (RA 10364)
- D. 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. (RA 10364)
- E. Slavery – refers to the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. (RA 10364)
- 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 the legal process. (RA 10364)
- G. 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. (RA 10364)



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- H. Sexual Exploitation - refers to any means of actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes or lewd designs, including profiting monetarily, socially, or politically from the sexual exploitation of another, regardless of whether or not consent was given. (n)
- I. 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. (RA 10364)
- J. 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 primarily for sexual purposes; Provided, That when a child is involved, the material shall be considered child sexual abuse and exploitation material as defined under paragraph (m) of this section. (n)
- K. Council – shall mean the Inter-Agency Council Against Trafficking created under Section 4 of this Ordinance.
- L. Child Laundering - refers to an act of stealing and selling a child to adopting parents under false pretenses and using schemes such as falsifying the child's details or manipulating the child's origins to make the child appear an orphan or foundling. (n)
- M. Child Sexual Abuse and Exploitation Material or Child Sexual Abuse Material (CSAEM or CSAM) - refers to photos, images, videos, recordings, streams, or any other representation or form of media, depicting acts of sexual abuse and exploitation of a child or representation of a child as a sexual object, whether or not generated digitally or by, through, and with the use of information and communications technology. It shall also include materials that focus on real or simulated genitalia or other private body parts of a child. (n)
- N. Communications - refer to any spoken or written conversations, exchanges, discussions, data, information, or messages for interception. (n)
- O. Computer System - refers to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated processing of data. It covers any type of device with data processing capabilities including computers and mobile phones. The device consisting of hardware and software may include input, output process, and storage components which may stand alone or be connected in a network or other similar devices. It also includes computer data storage devices or media. (n)
- P. Computer and Other Computer-Related Devices - refer to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated processing of data. It covers any type of device with data processing capabilities, including computers and mobile phones. (n)
- Q. Data — refers to both;
- a. Content Data — the substance, meaning or purport of the communication, or the message or information being conveyed by the communication, other than traffic data; and



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- b. Traffic Data or Non-Content Data - any computer data other than the content of the communication, including the communication's origin, destination, route, time, date, size, duration, or type of underlying service. (n)
- R. Information and Communications Technology (ICT) - refers to the totality of electronic means to access, create, collect, store, process, receive, transmit, present, and disseminate information. (n)
- S. Interception - refers to the act of listening to, recording, monitoring, or surveillance of the content of communications, including procuring of the content data, either directly, through access and use of a computer system, or through the use of electronic eavesdropping or tapping devices, at the same time that the communication is occurring. (n)
- T. Internet Intermediaries - refer to a natural or juridical person, or entity that provides infrastructure, platforms, access to host, transmit and index content, products and services originated by third parties on the internet, it includes among others:
- Internet Service Providers (ISPs);
 - Data processing and web hosting providers including domain name registrars;
 - Internet search engines and portals;
 - E-commerce intermediaries;
 - Internet payment system providers, whether supervised by the Bangko Sentral ng Pilipinas (BSP) or not; and
 - Participative network platform providers or social media intermediaries. (n)
- U. Subscriber's or Registrant's Information — refers to any information contained in the form of computer data or any other form that is held by internet intermediaries, relating to the subscribers or registrants who avail of services, other than traffic or content data, and by which any of the following can be established:
- The type of communication service used, the technical provisions taken thereto, and the period of service;
 - The subscriber's or registrant's identity, postal or geographic address, telephone and other access number, any assigned network address, billing, and payment information that are available on the basis of the service agreement or arrangement; or
 - Any other available information on the site of the installation of communication equipment that is available on the basis of the service agreement or arrangement. (n)
- V. Tourism Enterprises — refer to facilities, services, and attractions involved in tourism, such as travel and tour services; health, wellness, and medical tourism services; tourist transport services, whether for land, sea or air transportation; tour guides; adventure sports services involving sports, such as mountaineering, spelunking, scuba diving, and other sports activities of significant tourism potential; convention organizers; accommodation establishments, including hotels, resorts, apartelles, tourist inns, motels, pension houses, and homestay operators; and tourism estate management services, restaurants, shops and department stores, sports and recreational centers, spas, museums and galleries, theme parks, convention centers, and zoos. (n)



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W. Online Sexual Abuse and Exploitation of Children (OSAEC) - refers to the use of digital or analog communication and ICT as means to abuse and exploit children sexually, which includes cases in which contact child abuse or exploitation offline is combined with an online component. This can also include the production, dissemination, and possession of CSAEM or CSAM; online grooming of children for sexual purposes; sexual extortion of children; sharing image-based sexual abuse; commercial sexual exploitation of children; exploitation of children through online prostitution; and live-streaming of sexual abuse, with or without the consent of the victim.” (n)

SECTION 4. Negros Occidental Council on Anti-Trafficking (NOCAT) - The Negros Occidental Council on Anti-Trafficking (NOCAT) is hereby created which shall serve as the primary arm of the Provincial Government of Negros Occidental in the implementation of the provisions of the expanded act and this ordinance. Its composition shall include:

Chairperson: Governor
Co Chairperson: Vice Governor
Vice Chairperson: Provincial Social Welfare and Development Officer
Members:

1. Chairperson, Committee on Women, Family, and Children
2. Chairperson, Committee on Social Services
3. Chairperson, Committee on Public Order and Safety
4. President, Liga ng mga Barangay
5. President, Pederasyon ng Sangguniang Kabataan
6. Department Head, Provincial Planning and Development Office
7. Office Head, Public Employment Services Office
8. Department Head, Provincial Legal Office
9. Department Head, Provincial Health Office
10. Department Head, Provincial Tourism Office
11. Superintendents of Schools Division Offices
12. Head, Negros Occidental Police Provincial Office
13. Representative from accredited NGOs (Women)
14. Representative from accredited NGOs (Children)
15. Representative from accredited NGOs (OFW)

The three (3) representatives from the NGOs shall be appointed by the Governor for a term of three (3) years from the accredited list of NGOs in the Province. The NOCAT may also include additional members as the need arises.

SECTION 5. Meeting and Quorum - The NOCAT shall convene regularly every quarter. The Chairman or the majority of the members may call for such special session as it may deem necessary. A simple majority shall constitute a quorum to conduct official business.

SECTION 6. Duties, Powers, and Functions of the NOCAT - The NOCAT shall:

1. Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons;
2. Promulgate rules and regulations as may be necessary for the effective implementation of the anti-trafficking law;



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3. Establish an anti-trafficking in person's central database;
4. Monitor and oversee the strict implementation of this Ordinance and the anti-trafficking law;
5. Coordinate the programs, projects and activities of the various member agencies to effectively address the issues and problems attendant to trafficking in persons;
6. 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 agencies, and NGOs;
7. Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;
8. Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Ordinance and the Act;
9. Conduct inspection of houses, buildings, or establishments reported as being used for trafficking in persons;
10. Formulate a program for the reintegration of trafficked persons;
11. 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 anti-trafficking law;
12. Complement the shared government information system for migration established under Republic Act No. 8042, otherwise known as the "Migrant Workers and 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;
13. Develop the mechanism to ensure the timely, coordinated, and effective response to cases of trafficking in persons;
14. 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;
15. 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;
16. Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines;
17. Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons;
18. 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;
19. 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;
20. Encourage and support community-based initiatives which address in TIP;



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21. Form subcommittees, if necessary, to assist in the performance of their functions and may also call upon other offices and departments of the local government and other government agencies for assistance and support; and
22. Perform such other related functions or tasks as may be imposed by law or ordinance to attain the purposes and objectives of the anti-trafficking law.

SECTION 7. Joint Task Force Against Trafficking in Persons -

1. For this purpose, there is hereby created a Negros Occidental Joint Task Force Against Trafficking in Persons (NOJTFATP) to be composed of:
 - a. Chairperson of the Sangguniang Panlalawigan Committee on Peace and Order, as Chairman;
 - b. One personnel each from the Negros Occidental Police Provincial Office, Provincial Social Welfare and Development Office, and Provincial Health Office; and
 - c. Non Government Organizations with a track record of providing direct service to victims of trafficking, to be determined by the NOCAT.
2. The Local Task Force shall coordinate all efforts in the conduct of surveillance, investigation and rescue operations of trafficking cases. It shall likewise closely collaborate with the NOCAT in the formulation of plans and programs for the prevention and/or reduction of trafficking in persons. For this purpose, the NOJTFATP shall convene at least once every two months, or whenever necessary.
3. Within one (1) month from the adoption of this Ordinance, the NOCAT shall convene a meeting with all the members of the Local Task Force for the specific purpose of developing the guidelines and protocols for the effective coordination in the conduct of surveillance, investigation and rescue operations on trafficking in persons.

SECTION 8. Anti-Trafficking in Persons Database - The Provincial Government of Negros Occidental through the NOCAT shall monitor and document cases of trafficking in person within its territorial jurisdiction.

The NOCAT, in coordination with the Provincial Planning and Development Office and the Provincial 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 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 (sex and age disaggregated);
- (c) The number of victims of trafficking in persons referred to the agency by destination countries/ areas and by area of origin (sex and age disaggregated).



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SECTION 9. Development of a Manual of Operations on Handling of Cases involving Trafficked Persons - The NOCAT shall develop within 30 days of approval of this Ordinance, a Manual of Operations on handling of cases involving Trafficked Persons. The NOCAT shall initiate capability enhancement trainings relative to the approved Manual of Operations

SECTION 10. Creation of Shelter for Victims of Trafficking - The Provincial Government of Negros Occidental, in coordination with the concerned government agencies and NGOs, shall fund, establish and operationalize a shelter facility that will offer to victims of human trafficking and child sexual exploitation, a temporary or long term placement, that will make available the following specialized services which includes, but not limited to, the following:

- a. Recreational training
- b. Psycho-social services
- c. Skills enhancement
- d. Livelihood training and capitalization
- e. Medical and dental check-ups
- f. Educational assistance

The Provincial Social Welfare and Development Office shall lead in coordinating the provision of the above services to the survivors. All efforts shall be made to ensure that the above services will be rendered in child friendly and gender-sensitive manner.

SECTION 11. Provision of Financial Assistance to Victim Survivors of Trafficking - The Provincial Government of Negros Occidental shall provide financial assistance for victims-survivors of TIP and other forms of Sexual Exploitation. These shall be used for medical, hospital, legal, and educational needs of the victim-survivors. The PSWDO shall oversee assessment and recommendation of assistance of the victim-survivors of TIP and other forms of Sexual Exploitation.

SECTION 12. Rewards and Incentives - NOCAT shall institute an incentive scheme whereby monetary rewards may be given to persons who provide vital information that lead to the prevention or suppression of trafficking activities and to the apprehension of offenders involved therein. Likewise, awards and recognition may be given to persons, organizations, or establishments that champion or support activities which contribute to the prevention or suppression of trafficking in persons.

SECTION 13. Information Campaign on Anti-Trafficking - The Provincial Government of Negros Occidental, through its Public Employment Services Office(PESO), shall establish a Migrants Advisory and Information Network (MAIN)Desk.

- a. A Migrant Advisory and Information Network (MAIN) desk, shall be established by PESO at various locations in the province. Local government Units and Barangays are hereby encouraged to put up their own MAIN Desks as part of their programs on Anti-Trafficking, subject to the approval and monitoring of the PESO.



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- b. The Provincial 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 piers, ports, airports, bus and jeepney terminals, and other similar places where acts of trafficking may be committed and/or facilitated.
- c. In addition, the Provincial Government of Negros Occidental shall conduct information dissemination activities at the city, municipality, and barangay levels and coordinate such activities with NOCAT.

SECTION 14. Duty of Local Government Units within the Province of Negros Occidental - Within thirty (30) days upon receipt of this Ordinance, the Sangguniang Panlungsod/Bayan concerned shall adopt the provisions of this Ordinance.

SECTION 15. Penalties

- A. The unjustifiable refusal of the owner or person in charge of any house, building or establishment to submit the same for inspection by NOCAT or its duly authorized representative/s, by virtue of Section 6 (9) hereof, shall give rise to the prima facie presumption of willfully impeding and/or obstructing the mandated duty of the government to monitor and document trafficking cases, and may expose the owner or person in charge to possible prosecution for violation of this Ordinance.
- B. 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 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. Upon recommendation by the inspector in the exercise of the visitation powers under Section 21 hereof and/or a violation of the additional requirements for specific business establishments set forth in Section 22 of this Ordinance;
 - d. When the establishment or its owner or any of its staff violates the provisions of R.A. No. 11862.

The proceedings arising from this Section shall be a summary in nature. For cases, falling under paragraphs (a) and (b), the Governor or the Local Chief Executive concerned shall immediately issue an order within twenty-four (24) hours cancelling the license of the establishment upon receipt of the information regarding the violation of the concerned establishment. For cases falling under the paragraphs (c) and (d), the Governor or the Local Chief Executive concerned 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 license is not an appropriate remedy.



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C. The filing of a complaint under this Ordinance shall not preclude the offended party from pursuing other remedies available under the law and to invoke any of the provisions of existing laws. For purposes of this Ordinance, R.A. No. 9208, R.A. No. 10364, R.A. No. 11862, and other relevant and applicable laws shall have suppletory application.

SECTION 16. Appropriation - The initial amount of One Million Pesos (P1,00,000.00) is hereby appropriated out of the General Fund of the Province to cover the first-year implementation of this Ordinance. Thereafter, the annual budget for purposes of implementing this Ordinance shall be drawn from the Gender and Development (GAD) Fund.

SECTION 17. Implementing Rules And Regulations. - The NOCAT 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 18. Oversight Function of the PCAT-CP-VAWC. The PCAT-CP-VAWC shall hereby exercise its inherent oversight functions over the NOCAT pursuant to Section 20, R.A. No. 9208, Section 39 of R.A. No. 9262, DILG-DSWD-DOJ Joint Memorandum Circular No. 2010-01 dated 18 October 2010, and Executive Order No. 22-77, Series of 2022 reconstituting the Provincial Committee Against Trafficking, Child Pornography, and Violence Against Women and Children (PCAT-CP-VAWC).

For purposes of expediency, maximizing resources, and preventing duplication of functions and representation, the NOCAT shall have primary authority in the implementation of the provisions of this Ordinance.

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, amended, 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 provision 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.



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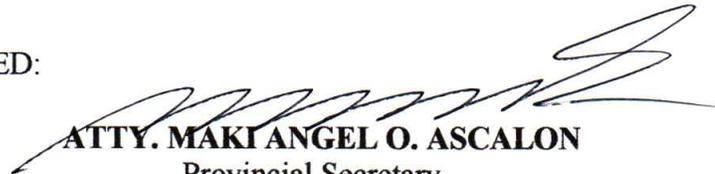
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ADOPTED UNANIMOUSLY, August 1, 2023.

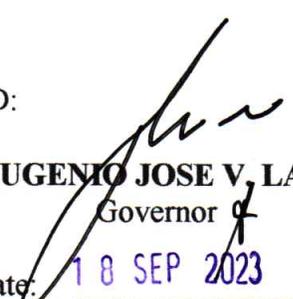
CERTIFIED CORRECT:


HON. JEFFREY P. FERRER
Vice Governor

ATTESTED:


ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary

APPROVED:


HON. EUGENIO JOSE V. LACSON
Governor

Date: 18 SEP 2023