



Republika ng Pilipinas
LALAWIGAN NG NUEVA ECIJA
Lungsod ng Palayan

TANGGAPAN NG SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE 21st REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NUEVA ECIJA HELD AT THE SESSION HALL OF THE SANGGUNIANG PANLALAWIGAN, PROVINCIAL CAPITOL, BARANGAY SINGALAT, PALAYAN CITY, ON

JUNE 16, 2008

PRESENT:

Hon. RAQUELIZA A. AGAPITO	- Member (P.O.)
Hon. WILFREDO P. MUNSAYAC	- Member
Hon. JOSEPH R. ORTIZ	- Member
Hon. TERESITA A. PATIAG	- Member
Hon. ZALDY G. MATIAS	- Member
Hon. ROMANITO DR. JUATCO	- Member
Hon. ERIC DANIEL F. SALAZAR	- Member
Hon. CESAR V. CUCIO	- Member
Hon. ROMEO R. BORJA, JR.	- Member
Hon. LANCE JARWIN A. SANTOS	- Member
Hon. EDMUND R. ABESAMIS	- Member

ABSENT:

Hon. EDWARD THOMAS F. JOSON	- OIC-Governor
Hon. ROMMEL C. PADILLA	- Member
Hon. MELCHOR M. MORALES	- Member

RESOLUTION NO. 308-s-2008

WHEREAS, the Provincial Government, in its effort to address the needs of inhabitants and every sector of our society, values the dignity of every human being and guarantees the respect for human rights;

WHEREAS, it is the policy of the State to accord highest priority to the enactment of measures and development of programs that will enhance human dignity, protect the people from any threat of violence, exploitation and eliminate trafficking in persons;

WHEREAS, it is also the obligation of the State to help and mitigate pressures for involuntary migration and servitude of persons and more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society;

WHEREAS, it is a State policy to recognize the equal rights and inherent human dignity of women and men enshrined in the United Nations Universal Declaration on Human Rights, UN Convention of the Rights of Child, UN Convention Against Transnational Organized Crime including its Protocol to Prevent, Suppress and Punish Trafficking in Person, especially rights instruments and other international conventions to which the Philippines is a signatory;

NOW THEREFORE, on the authorship by Hon. Raquel Agapito and motion by Hon. Wilfredo P. Munsayac, duly seconded by Hon. Joseph R. Ortiz, Hon. Romanito DR. Juatco and Hon. Cesar V. Cudio,

BE IT RESOLVED AS IT IS HEREBY RESOLVED to adopt the following ordinance;

PROVINCIAL ORDINANCE NO. 02-s-2008

AN ORDINANCE ESTABLISHING THE NUEVA ECIJA INTER-AGENCY COUNCIL AGAINST TRAFFICKING IN PERSON AND FOR OTHER PURPOSES

ARTICLE I.

GENERAL PROVISIONS

SECTION 1. Title. - This ordinance shall be known as the "Nueva Ecija Inter-Agency Council Against Trafficking in Persons".

SECTION 2. Declaration of Policy. - It is hereby declared that the states values the human dignity of every human person and guarantees the respect of every individual rights. In pursuit of this policy the local government of Nueva Ecija shall uphold and give the highest priority to the enactment and development of programs that will promote the 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 but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society in every cities and municipalities within its territory.

SECTION 3. Definition of Terms. -

- a. Trafficking in Persons- refers to the recruitment, transportation, transfer or 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 person 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 or prostitution or other forms of sexual exploitation, forced labor or services, slavery, or the removal or sale of organs.
- 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 or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or mental disability.
- c. Prostitution- refers to any act, transaction, scheme or design involving the use of a person by another, sexual intercourse or lasciviousness conduct in exchange for money, profit or other consideration.
- d. Forced Labor and Slavery- refer to the extraction of work or services from a 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.
- e. Sex Tourism- refers to the program organized by travel and tourism-related establishments and individuals which consist 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.
- f. 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.

- g. Debt Bondage- refers to the pledging by the debtor of his/her persona; services or labor or those of a person under his/her control as a 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.
- h. 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.
- i. Involuntary Servitude- refers to the condition being forced, compulsory service induced by means of any scheme, plan or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or other forms of abuse or physical restraint, or the abuse or threatened abuse of the legal process.
- j. Council- shall mean the Inter-Agency council Against Trafficking created under this ordinance.
- k. NEIACAT- Nueva Ecija Inter-Agency Council Against Trafficking

ARTICLE II.

ACTS OF TRAFFICKING

SECTION 4. 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 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 purposes of acquiring, buying or 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 persons 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 or violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;

- h. To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

SECTION 5. 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 certificate of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirement for the purpose of promoting trafficking in person;
- 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 the 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 entry and exit of person from/ to the country at international and local airports, territorial boundaries and seaports who are in the possession of unissued, tampered or fraudulent travel documents or the purpose of promoting trafficking in persons;
- f. To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked person in furtherance of trafficking or to prevent them from leaving the country or seeking the redress from the government or appropriate agencies; and
- g. To knowingly benefit from the financial or otherwise, or make use of, labor or services of a person held to a condition of involuntary servitude, forced labor or slavery.

SECTION 6. Qualified Trafficking in Persons. The following are considered 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 the large scale. Trafficking is deemed committed by a syndicate if carried out by the group of three (3) or more conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as group;
- d. When the offender is an ascendant, parent, sibling, guardian of 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 military or law enforcement; and

- g. When by reason or on occasion of the act of trafficking in persons, the offended party dies, suffer mutilation, became insane, or is afflicted with Human Immunodeficiency Virus(HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

ARTICLE III

INTER-AGENCY COUNCIL AGAINST TRAFFICKING IN PERSONS

SECTION 7. Council Composition. There is hereby established an Inter-Agency Council Against Trafficking in Persons in the Province of Nueva Ecija, to be composed of the Governor as the Honorary Chairperson, The Vice Governor as Chairperson and the Provincial Prosecutor as the Co-Chairperson and shall have the following members:

- a. Provincial Social Welfare and Development Officer;
- b. Chairperson, Committee on Family and Women of the Sangguniang Panlalawigan;
- c. Chairperson, Committee on Social Services of the Sangguniang Panlalawigan;
- d. Chairperson, Committee on Education of the Sangguniang Panlalawigan;
- e. Department of Labor and Employment (DOLE);
- f. Provincial Public Employment Service Office;
- g. Public Attorney's Office (PAO);
- h. Philippine National Police (PNP);
- i. Department of Education (Deped);
- j. Department of Interior and Local Government (DILG);
- k. Integrated Bar of the Philippines NE Chapter;
- l. Provincial Legal Office;
- m. Provincial Public Information Office;
- n. Technical Education and Skills Development Authority (TESDA);
- o. Association of Barangay Captains of Nueva Ecija;
- p. Sangguniang Kabataan Federation of Nueva Ecija;
- q. Three (3) representatives from accredited Non-Governmental Organization (NGOs) with a good track record of involvement in the prevention and suppression of trafficking in persons.

The members of the Council may designate their permanent representative who shall attend the meetings.

SECTION 8. Functions of the Council. The council shall have the following powers and function:

- a. Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons;
- b. Promulgate rules and regulations as may be necessary for the effective implementation of the ordinance;
- c. Monitor and oversee the strict implementation of this ordinance;
- d. Coordinate the programs and projects of the various members and agencies to effectively address the issues and problems attendant to trafficking in persons;
- e. Coordinate and conduct of massive information dissemination and campaign on the existence of the law and the various issues and problem attendant to trafficking through the Local Government Units (LGUs), concerned agencies, and NGO's;
- f. Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;
- g. Assist in the filing of cases against individuals, agencies, institution or establishment that violate the provisions of this ordinance;
- h. Formulate a program for the integration of trafficked persons in cooperation with DOLE,PSWDO, TESDA, Deped, LGU's and NGO's;
- i. Secure from the department, bureau, office, agency, or instrumentality of the government or the NGO's and other civic organizations such assistance as may be needed to effectively implement this Ordinance;

- j. Complement the shared government information system for migration established under Republic Act No. 8042, Otherwise known as "The Migrant Workers And Overseas Filipino Act of 1995" with data on cases of trafficking in persons , ensure that the proper agencies conduct a continuing research and study on which shall form the basis for policy formulation and program direction;
- k. Develop the mechanism to ensure the timely, coordinated and effective response to cases of trafficking in persons;
- l. 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;
- m. Coordinate with the Department of Transportation and Communication (DOTC), Department of Trade and Industry (DTI), and other NGO's monitoring the promotion of advertisement of trafficking in the internet;
- n. Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals residing in the Province of Nueva Ecija;
- o. Initiate programs in identifying and providing the necessary intervention or assistance to trafficked persons; and
- p. Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of this ordinance.

ARTICLE IV

SECRETARIAT

SECTION 9. Secretariat to the Council. The Provincial Social Welfare and Development Office shall stand as the Secretariat to the council.

Section 10. Functions of the Secretariat. The Secretariat shall have the following functions:

- a. Coordinate and monitor, under the direction of the Council, the implementation of the policies and guidelines promulgated by the council;
- b. Establish, maintain and manage a central database on trafficking in persons;
- c. Provide secretariat, records keeping and other services to the Council; and
- d. Perform such other functions as may be directed by the council.

ARTICLE VI

ROLES AND RESPONSIBILITIES OF COUNCIL MEMBERS

SECTION 11. Common Roles and Responsibilities of Council Member Agencies.- All member government agencies of the Council shall have the following common roles and responsibilities.

- a. Develop policies and programs supportive of and consistent with the objectives of the Ordinance;
- b. Enhance the capability of its officers and personnel involved in trafficking issues and concerns through appropriate training and staff support programs;
- c. Undertake information, education and advocacy campaigns against trafficking in persons;
- d. Maintain databank on trafficking in persons to be shared among relevant agencies and complement the central databank to be established by the Council; and
- e. Document good practices as bases for policy formulation and program development.

ARTICLE VII FUNDING

SECTION 12. Funding. The Provincial Government shall appropriate funds for the implementation of this Ordinance, which shall be included in the annual budget.

ARTICLE VIII

FINAL PROVISIONS

SECTION 13. Implementing Rules and Regulations. The Council shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Ordinance.

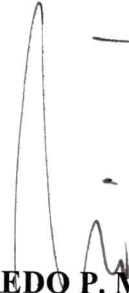
SECTION 14. Separability Clause. If for any reason, any section or provision of this ordinance is held unconstitutional or invalid, the other sections or provisions hereof not affected shall remain valid.

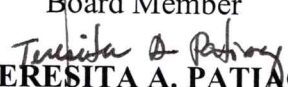
SECTION 15. Repealing Clause. All ordinances, part or parts thereof, inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 16. Effectivity. This ordinance shall take effect upon approval and fifteen (15) days following the completion of its full publication in a local newspapers of general circulation within the province of Nueva Ecija.

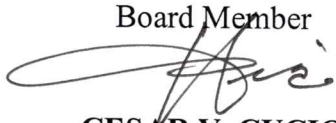
APPROVED.


RAQUELIZA A. AGAPITO
Temporary Presiding Officer
Board Member


WILFREDO P. MUNSAYAC
Board Member

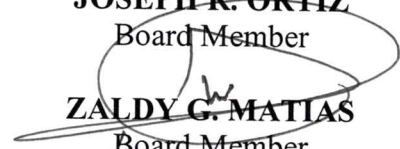

TERESITA A. PATIAG
Board Member


ROMANITO DR. JUATCO
Board Member

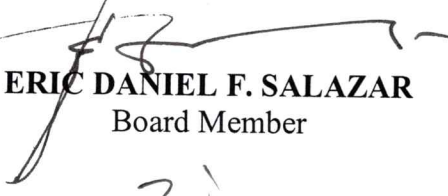

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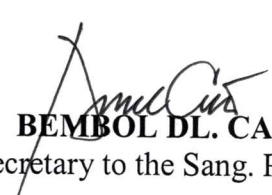

ZALDY G. MATIAS
Board Member


ERIC DANIEL F. SALAZAR
Board Member


ROMEO R. BORJA, JR.
Board Member


LANCE JARWIN A. SANTOS
Board Member

I HEREBY certify to the correctness of the foregoing ordinance.


BEMBOL D. CASTILLO
Secretary to the Sang. Panlalawigan