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Honorable RISA HONTIVEROS
 Chairperson
 Women, Children, Family Relations and Gender Equality
 Senate of the Philippines
 Pasay City

Dear Senator Hontiveros:

The Department of Social Welfare and Development **fully supports** Senate Bill No. 1220 entitled: "An Act Strengthening Republic Act No. 9208, As Amended by Republic Act No. 10364, entitled "An Act 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 Violations and for Other Purposes", introduced by Senator Pia S. Cayetano, which seeks to provide law enforcement agencies with better methods of investigation by setting the standards and guidelines in surveillance, interception and recording of communications of suspected traffickers under the supervision of the Courts.

To contribute to the bill's enhancement, we are recommending the following:

1. Sec. 1 – Sec. 8 (Investigation, Initiation and Prosecution of Cases) of Republic Act No. 9208, as amended

1.1 On letters (A) and (B), to require Internet Service Providers and Tourism-oriented Establishments to proactively engage in advocacy as part of their corporate social responsibility.

1.2 On letter (B) Surveillance, Interception and Recording of Communications

1.2.1 To look further into the proposed provision of Section 8-B, which is substantially similar to Section 10 of Republic Act No. 9775 or the "Anti-Child Pornography Act of 2009", in order to clarify the parameters on how the public display of child pornography can be used as a conclusive presumption that there is knowledge on the part of the owner/operator that there is child trafficking occurring in his/her establishment. This particular provision works in RA 9775 as the law refers to child pornography;

1.2.2 To shorten the 7-day period within which the owners of establishments are mandated to report cases of trafficking and sexual exploitation;

1.2.3 To exempt this amendment from the Data Privacy Law; and

1.2.4 On item (B) (I) Formal Application for Judicial Authorization, to clarify if the requirement of authorization by the Department of Justice in writing applies to all of the previously enumerated persons,

namely, the Philippine National Police Chief, National Bureau of Investigation Director and their duly authorized representatives.

Related to this, to clarify why the Department of Justice alone is required to give authorization for ex-parte applications, instead of the Inter-Agency Council Against Trafficking like the provisions of RA 9372 or the "Human Security Act", which allows for similar surveillance, interception and recording of communications of any persons suspected of the crime of terrorism or the crime of conspiracy to commit terrorism, and yet in RA 9372 it is the Anti-Terrorism Council that authorizes the ex-parte application for a written order.

- 1.3 On item (B) (V), to complete the last sentence regarding the Contents of Joint Affidavit, for purposes of clarity and consistency. This is to ensure also that the "Contents of Joint Affidavit" is properly executed.
2. **Sec. 3 - Section 16. Programs that Address Trafficking in Persons**
 - 2.1 On letter (b), to change from DSWD to Local Social Welfare Development Offices (LSWDOs) to be consistent with the Mandanas Ruling where devolution of services, including social welfare services shall be fully implemented by Local Government Units (LGUs) while retaining the development of system for accreditation of Non-Government Organizations (NGOs) and LGUs for purposes of establishing centers and programs for intervention in various levels of the community with the DSWD; and
 - 2.2 On letter (o), to include all mandated devolved programs and services, such as health, social welfare, among others, under their roles for consistency with the Mandanas Ruling.
3. **Sec. 4 – Section 20. Inter-Agency Council Against Trafficking**
 - 3.1 To include the League of Cities and Municipalities in the Inter-Agency Council Against Trafficking; and
 - 3.2 To include criteria in the appointment of NGO representative, such as (a) existence of programs and services on the prevention and suppression of trafficking; (b) being licensed and accredited by DSWD; and (c) absence of any pending administrative or legal cases.
4. **Sec. 6 – Section 24. Other Services for Trafficked Persons, on letter (D) Recovery and Reintegration Program for Trafficked Persons (RRPTP)**
 - 4.1 To retain with the DSWD only the Capability Enhancement for Service Providers; Implementation of the National Referral System and Updating and Maintenance of the National Recovery and Reintegration Database; and Advocacy, for consistency with the Mandanas Ruling;
 - 4.2 To include provision on the creation of plantilla positions for RRPTP personnel at the National and Regional levels;
 - 4.3 To include services to Foreign Nationals (Victims-Survivors);
 - 4.4 To provide protocol in Handling Foreign National Victim-Survivors; and

4.5 Under item (2), to include **Support Services for Victims-Survivors of Trafficking** (i.e., Support for Victims/Witnesses and Transportation Assistance; Medical Assistance; Educational Assistance), and **Economic Reintegration Services for Victims-Survivors of Trafficking** (i.e., Skills Training; Financial Assistance for Employment; Financial Assistance for Livelihood).

5. Other Comments:

- 5.1 To harmonize the National Recovery and Reintegration Database (NRRD) with the Inter-Agency Council Against Trafficking's (IACAT) proposed Case Management System to come up with an accurate and credible database that can be utilized by the inter-agency, and to assess if the database is still responsive to the end-user in line with the Data Privacy Act;
- 5.2 To include a separate Section on "Appropriations" to cover all expenses for the implementation of programs and services for victims-survivors of trafficking; and
- 5.3 Further, to **upgrade the LGU-run facilities** to accommodate victims-survivors in need of temporary shelter and protective custody, considering that DSWD only manages existing center and residential care facilities.

For the Committee's consideration.

Very truly yours,



ROLANDO JOSELITO D. BAUTISTA

Secretary
Date: MAR 05 2020

cc: Senator Pia S. Cayetano