WHEREAS, the Philippine Government has declared its full support for the international community’s campaign to fight trafficking in persons, especially women and children, child pornography, and violence against women and children;

WHEREAS, Republic Act 9208, also known as the Anti-Trafficking in Persons Act of 2003 and as amended by Republic Act 10364 thereby known as Expanded Anti-Trafficking in Persons Act of 2012 effectually formed the Inter-Agency Council Against Trafficking (IACAT) that is principally mandated to act as the central coordinating and monitoring agency in the enforcement of national policies and programs in eliminating trafficking in persons especially women and children;

WHEREAS, Republic Act 9262, also known as Anti-Violence Against Women and Their Children Act of 2004 effectively established the Inter-Agency Council on Violence Against Women and their Children (IACVAWC);

WHEREAS, Republic Act 9775, also known as Anti-Child Pornography Act of 2009 thereby created the Inter-Agency Council Against Child Pornography (IACACP) which is primarily tasked to protect children from all forms of exploitation and abuse including, but not limited to the use of a child in pornographic performances and materials and the inducement or coercion of a child to engage or be involved in pornography through whatever means;

WHEREAS, the women and children, being the most vulnerable sectors of our society are not only entitled to the promotion and protection of their moral and social well-being, but are entitled to the right to be shielded from all forms of sexual exploitation and sexual abuse, including their exploitative use in pornographic performances and in the generation of pornographic materials that are later on accessed through the internet;

WHEREAS, Republic Act 7160, also known as the Local Government Code of 1991, confers power and authority to the Local Government Units to regulate the operations and maintenance of business establishments, to include internet establishments or cafés, and expressly authorized the local government units to enact ordinances for the promotion of the general welfare of the inhabitants, by way of preventing, suppressing, and imposing appropriate penalties for such activities that are inimical to the welfare and morals of its inhabitants;

WHEREAS, Republic Act 7160 confers power and authority to the Local Government Units to establish an organization that shall be responsible for the efficient and effective implementation of development plans, program objectives and priorities;

WHEREAS, DILG-DSWD-DOJ issued Joint Memorandum Circular No. 2010-1 for the creation of Local Committees on Anti-Trafficking and Violence Against Women and Their Children (LCAT-VAWC) and stipulated that “for purposes of expediency, maximizing resources, and preventing duplication of functions and representation at the local level, local committees on anti-trafficking and VAWC will be created instead of establishing two separate bodies at the provincial and city/municipal levels”;
WHEREAS, the City Government of General Santos has encountered cases on trafficking in children and women, violence against women and children, and child pornography cases and it further desires to ensure the timely and effective response and disposition of these cases;

WHEREAS, the Sangguniang Panlungsod of General Santos City treats with utmost importance the welfare of its populace thru enacting laws that values their protection and well-being;

NOW THEREFORE, on motion of City Councilor Shandee Theresa O. Llido-Pestaño, duly seconded by City Councilors ________________ and ______________, be it –

RESOLVED, as it is hereby resolved to enact the hereunder ordinance:

SPPO No. 1818 - ___
Series of 2018

AN ORDINANCE CREATING THE LOCAL COUNCIL ON ANTI-TRAFFICKING IN PERSONS, ANTI-CHILD PORNOGRAPHY AND ANTI-VIOLENCE AGAINST WOMEN AND CHILDREN (LCAT-ACP-AVAWC) IN THE CITY OF GENERAL SANTOS, AND FOR OTHER PURPOSES

HON. SHANDEE THERESA O. LLIDO-PESTANO AND HON. SHIRLYN BANAS-NOGRALES - Authors/ Sponsors

Be it ordained by the Sangguniang Panlungsod of the City of General Santos that:

Section 1. Short Title. – This Ordinance shall be known as the Local Council on Anti-Trafficking in Persons, Anti-Child Pornography and Anti-Violence Against Women and Children (LCAT-ACP-AVAWC) of General Santos City.

Section 2. Definition of Terms. – For the purpose of this Ordinance and as provided in R.A. 9208, R.A. 10364, R.A. 9262, and R.A. 9775, the following terms are defined:

a) Trafficking in Persons – refers to the recruitment, transportation, transfer or harboring of 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 other forms of sexual exploitation, forced labor or services, slavery, 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 paragraphs.
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 physical or mental disability or condition.

c) **Council** – a group of government, non-government organizations and people’s organizations constituting a network to take charge in the implementation of this Ordinance.

d) **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.

e) **Forced Labor and Slavery** – 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.

f) **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.

g) **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, and fraud or through abuse of a victim’s vulnerability.

h) **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 of 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.

i) **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.

j) **Internet Café** – otherwise known as cybercafé, is a place where one can use a computer with internet access for a fee, usually per hour or minute; sometimes one can have unmetered access with a pass for a day or month, etc. it may or may not serve as a regular café as well, with food and drinks being served;

k) **Judicial person** – refers to establishments, corporations or entities that have separate personalities from their owners;

l) **Natural person** – any living person;

m) **Operator** – one who is tasked to oversee the internet café or computer business as used in this Ordinance;

n) **Proprietor** – one who owns the internet café or computer business as referred to in this Ordinance;

o) **Web** – the Internet;
Section 3. Composition. – The Local Council on Anti-Trafficking in Persons, Anti-Child Pornography and Anti-Violence Against Women and Children (LCAT-ACP-AVAWC) shall be established in General Santos City tasked to coordinate, monitor and implement the provision of these Republic Acts (R.A. 9208, R.A. 10364, R.A. 9262, and R.A. 9775).

a) Chairperson – The Local Chief Executive or his duly authorized representative shall act as the chair of the Local Committee. As such he shall ensure harmony of the undertakings of all committees.

b) Co-Chairperson – The Local Chief Executive will appoint from among the members or the members may choose among themselves through an appointment or an election.

c) Membership – The following agencies and organizations are the members. Members are grouped by committee:

<table>
<thead>
<tr>
<th>Prevention Committee</th>
<th>Rescue and Relief Committee</th>
<th>Recovery and Rehabilitation Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Department of Interior and Local Government</td>
<td>1. Philippine National Police</td>
<td>1. Department of Labor and Employment</td>
</tr>
<tr>
<td>2. Philippine National Police</td>
<td>2. Regional Trial Courts</td>
<td>2. BantayBanay- KPS</td>
</tr>
<tr>
<td>5. Local Civil Registrar</td>
<td>5. Philippine Coast Guard</td>
<td>5. Salvation Army</td>
</tr>
<tr>
<td>8. Commission on Muslim Filipinos</td>
<td>8. Civil Aviation Authority of the Philippines</td>
<td>8. Department of Education</td>
</tr>
</tbody>
</table>
There shall be a chairperson and vice-chairperson in every committee who shall be selected by majority vote of its members.

One-third (1/3) of the members of the Council and in every committee shall constitute a quorum to transact official business.

Section 4. Meetings. - The LCAT-ACP-AVAWC shall have a minimum frequency of meetings four (4) times a year (quarterly). Due notice of meeting shall be served to all members at least forty eight (48) hours the scheduled date. However, the Chairperson may call for a meeting if the need arises.

Each Committee shall have regular meetings on a schedule the members will agree upon. Chairpersons of each committee may call for a meeting as need arises.
Section 5. Functions of LCAT-ACP-AVAWC. – The LCAT-ACP-AVAWC shall have the following general functions:

a) Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons, child pornography, and violence against women and children;
b) Recommend rules and regulations as maybe necessary for the effective implementation of R.A. 9208, R.A. 10364, R.A. 9262, and R.A. 9775;
c) Create and establish systems on surveillance, investigation, and rescue to ensure effective and efficient coordination;
d) Deliver programs and services for the prevention, rescue and rehabilitation of victims of trafficking in persons, child pornography, and violence against women and children, and their families;
e) Develop and implement an advocacy and communication plans to create awareness among stakeholders and the members of the academe or education sector;
f) Conduct massive information dissemination and campaign on the existence of laws, rules, and regulations and on various issues and problems attendant to trafficking in persons, child pornography, and violence against women and children;
g) Assist in the filling of cases against individuals, agencies, institutions or establishments that violate the provision of R.A. 9208, R.A. 10364, R.A. 9262, and R.A. 9775;
h) Develop mechanism to ensure the timely, coordinated and effective response to cases of trafficking in persons, child pornography, and violence against women and children;
i) Coordinate with other national and local agencies that may be involved in the enforcement of R.A. 9208, R.A. 10364, R.A. 9262, and R.A. 9775;
k) Exercise all the powers and perform such other functions necessary to attain the purpose and objectives of this Ordinance.

Section 6. Secretariat to the Council. – The secretariat of the herein Council shall be the City Social Welfare and Development Office. It shall, among others, provide regular reports to the Chief Executive of the city and to the National Government with the concurrence of the Chairperson. Specifically, it shall:

a) Coordinate and monitor the implementation of the policies and guidelines on anti-trafficking in persons, anti-child pornography, and anti-violence against women and children;
b) Maintain records of meetings, proceedings, activities and other services of the Council;
c) Initiate training programs for members of the herein referred Council in identifying and providing the necessary intervention or assistance to victims of trafficking in persons, child pornography, and violence against women and children;
d) Document cases of trafficking in persons, child pornography, and violence against women and children/ maintain database;
e) Collate and analyze information/cases;
f) Perform such other functions as may be directed by the Council.

Section 7. Support Services and Programs that address Trafficking in Persons, Child Pornography and Violence Against Women and Children. – The Local Government of General Santos in partnership with other government and non-government organization shall undertake the following programs and activities to ensure prevention, recovery, rehabilitation and reintegration into the mainstream of society victims of trafficking in persons, child pornography, and violence against women and children;

<table>
<thead>
<tr>
<th>Preventive Programs and Services</th>
<th>Rescue and Relief Services</th>
<th>Recovery and Rehabilitation Programs and Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Pre-marriage and pre-departure counseling for OFWs and/or inter-marriages</td>
<td>a) Counseling</td>
<td>a) Emergency shelter or appropriate housing for victim's family</td>
</tr>
<tr>
<td>b) Regular inspection to entertainment establishments, internet café, factories, and other related businesses</td>
<td>b) Temporary shelter</td>
<td>b) Free Legal Services</td>
</tr>
<tr>
<td>c) Adopt and/or legislate policies on trafficking in persons, child pornography, and violence against women and children</td>
<td>c) Food and Non Food Assistance</td>
<td>c) Livelihood and Skills Training for the victim or his/her family</td>
</tr>
<tr>
<td>d) Develop other programs and services to support victims and their families</td>
<td>d) Medical</td>
<td>d) Educational Assistance for the victim</td>
</tr>
<tr>
<td>e) Integration in proper subject areas topics trafficking in persons, child pornography, and violence against women and children both elementary and secondary level</td>
<td>e) Critical Incidence Stress Debriefing</td>
<td>e) Counseling for the victim and his/her family</td>
</tr>
<tr>
<td>f) Advocacy and distribution of information materials</td>
<td>f) Free Legal Services</td>
<td>f) Other developmental programs and services for the victim and his/her family</td>
</tr>
<tr>
<td></td>
<td>g) Financial Assistance/Transportation Assistance</td>
<td>g) Value formation sessions for the victim and his/her family</td>
</tr>
<tr>
<td></td>
<td>h) Other psycho-social services such as psychological and psychotherapy</td>
<td>h) Capacity-building and life goals and life skills training</td>
</tr>
<tr>
<td></td>
<td>i) Documentation of cases</td>
<td>i) Case management</td>
</tr>
</tbody>
</table>

Section 8. Visitorial Powers. – The LCAT-ACP-AVAWC shall be vested with Visitorial Power to inspect internet cafés or computer establishments, and “hospitality-related” (lodging house, pension house, hotel, motel, inns, hostels) business establishments anytime of the day, and may recommend the closure of said establishments and/or revocation of their licenses, as the case may be. In case of
private residences, upon sufficient and verified information duly coordinated with the Barangay Officials, the Council together with the members of the Philippine National Police (PNP) shall do the necessary arrest of violators and filing of criminal cases in the regular courts.

**Section 9. PNP Inspection Requirement.** – To insure effective implementation of this Ordinance, in addition to business permit requirements and other licensing requirements as established by duly constituted authorities, an inspection report shall be secured from the PNP Women & Children’s Desk by all internet establishments and “hospitality-related” business establishments.

**Section 10. Duties and Responsibilities of Owners & Operators.** – All internet café or computer shops/establishments and “hospitality-related” business establishments shall be required through their owners, proprietors, lessee, and managers to perform and undertake the following measures:

a) To maintain a centralized log and users’/customers’ logbook;

b) To ensure that the internet rooms are visible to public view;

c) To refuse the entry of children to internet or computer shops/establishments during school hours except during Saturday, Sundays and special holidays;

d) To refuse the entry of women and/or children to “hospitality-related” business establishments without proper documents and/or identification establishing the relationship with their adult companion;

e) To report any violation of this Ordinance to the concerned authorities; and

f) To comply with other requirements of the duly constituted authorities, as the case maybe.

**Section 11. Omission.** – Failure to comply with Sections 7, 8, & 9 of this Ordinance shall be deemed an omission for prohibited acts and acts punishable.

**Section 12. Appropriations.** – The financial requirement for the LCAT-ACP-AVAWC shall be taken from the General Fund as aid to LCAT-ACP-AVAWC.

**Section 13. Separability Clause.** - Should any portion of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the portions not so declared shall remain in full force and effect.

**Section 14. Repealing Clause.** - Ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance, are hereby repealed or modified accordingly.

**Section 15. Effectivity.** - This ordinance shall take effect fifteen (15) days upon its publication in a newspaper of general circulation in General Santos City.