Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
21st City Council

PO21CC-248

50th Regular Session

ORDINANCE NO. SP-2999, S-2020

AN ORDINANCE ESTABLISHING THE INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PURSUANT TO THE PROVISIONS OF REPUBLIC ACT NO. 9208, OTHERWISE KNOWN AS THE "ANTI-TRAFFICKING IN PERSONS ACT OF 2003," AS AMENDED BY REPUBLIC ACT NO. 10364, OR THE "EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012," AND FOR OTHER PURPOSES.

Introduced by Councilors LENA MARIE P. JUICO, SHAIRA L. LIBAN, PEACHY V. DE LEON, MARRA C. SUNTAY, DIORELLA MARIA G. SOTTO-ANTONIO, EDEN DELILAH "Candy" A. MEDINA, DONATO "Donny" C. MATIAS and FREDDY S. ROXAS.

Co-Introduced by Councilors Bernard R. Herrera, Dorothy A. Delarmente, M.D., Tany Joe "TJ" L. Calalay, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Ramon P. Medalla, Mikey F. Belmonte, Estrella C. Valmocina, Franz S. Pumaren, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Imee A. Rillo, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Hero M. Bautista, Jose A. Visaya, Karl Castelo, Patrick Michael Vargas, Ram V. Medalla, Allan Butch T. Francisco, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Eric Z. Medina and Noe Dela Fuente.

WHEREAS, it is the policy of the State to value the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State 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;

WHEREAS, Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003 has been signed into law on 26 May 2003 and serves as the national framework to address trafficking in our country;

WHEREAS, Section 16 (j) of Republic Act 9208 mandates local government units to monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate its provisions and ensure effective prosecution of such cases;

WHEREAS, the Philippine Government declared its full support to the worldwide campaign to fight TIP when the Congress passed the amendments to Republic Act No. 9208 under Republic Act No. 10364, also known as the "Expanded Anti-Trafficking in Persons Act of 2012," which was formally signed into law by the President on February 6, 2013;

WHEREAS, the Republic Act No. 10364 widened the definition of trafficking in persons and created an inter-agency council against trafficking and instituted policies to eliminate TIP, especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations and other purposes;

WHEREAS, pursuant to Section 19 of the Rules and Regulations Implementing Republic Act No. 9208 (as amended), the local government units (LGUs) shall enact ordinances aimed at providing protection and support to trafficked persons and their families;

WHEREAS, the 17th City Council enacted Ordinance No. SP-1795, S-2007 otherwise known as "An Ordinance Implementing And Enforcing The Provisions Of Republic Act No. 9208, Otherwise Known As The Anti-Trafficking Act Of 2003 And Its Implementing Rules And Regulations And For Other Purposes" in support of R.A. No. 9208;

WHEREAS, Ordinance No. SP-2501, S-2016 otherwise known as the "Gender and Development Code of Quezon City" or GAD Code, was approved on 16 May 2016, including several sections on Anti-Trafficking of Women;

WHEREAS, City Ordinance No. 2180, S-2012, otherwise known as the Quezon City Children's Code, was enacted during the 55th Regular Session on March 26, 2012 in acknowledgement of its role, obligation, and commitment to ensure the child's right to survival, development, protection, and participation;

WHEREAS, Section 27, Article IV of the Quezon City Children's Code mandates the establishment of a mechanism "to provide and integrate quick response system that will provide immediate, appropriate and holistic response to cases of child abuse, sexual exploitation, child trafficking, child pornography, child prostitution, and child labor;

WHEREAS, trafficking in persons, especially of women and children, is a real problem that demands proactive and coordinated response at the international, regional, national, and even local levels;

WHEREAS, the incidences of documented as well as unreported cases of trafficking and abuse of women and children clearly manifest that human trafficking is an alarming issue in Quezon City;

WHEREAS, in line with the objective of the current administration to make Quezon City a safe city for all its residents, it is imperative that this concern be directly and effectively addressed by the Quezon City Council, in order to prevent the City from becoming a source, transit point or destination of trafficking victims.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. - This Ordinance shall be known as the "Quezon City Anti Trafficking in Persons Ordinance of 2020"

SECTION 2. DECLARATION OF POLICIES AND PRINCIPLES. It is hereby declared that Quezon City values the dignity of every human person and guarantees the full respect of individual rights.

Towards this end, the City Government shall give highest priority to the enactment of measures and the development of projects, programs and activities that will promote human dignity, 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 their recovery, rehabilitation and reintegration into the mainstream of society.

The City Government shall address the problem of trafficking in persons, especially women and children, at the local level by instituting policies and programs to prevent, protect and rehabilitate trafficked persons.

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

SECTION 3. DEFINITION OF TERMS. - The following definition of terms are hereby adopted from Article 2 Section 5 of Republic Act No. 9208 as amended by Republic Act No. 10364:

(a) Accessories - whoever has the knowledge of the commission of the crime, and without having participated therein, either as principal or accomplice, take part in its commission in any of the following manners:

a.1. Profiting themselves or assisting the offender to profit by the effects of the crime;

a.2. Concealing or destroying the body of the crime or effects or instruments in order to prevent its discovery;

a.3. Harboring, concealing or assisting in the escape of the principal of the crime, provided the accessory acts with the abuse of his or her public functions or is known to be habitually guilty of some other crime.

(b) Child - refers to a person below eighteen (18) years of age or one who is over 18 but is unable to fully take care or protect himself or herself from abused, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

(c) Council - shall mean the Inter-Agency Council Against Trafficking created under Section 6 of R.A. No. 9208 as amended by R.A. No. 10364.

(d) 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.

(e) 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.

(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.

(g) *Sexual Exploitation - refers to participation by a person in prostitution, pornography or the production of pornography, in exchange of money, profit or any other considerations or where the participation is caused or facilitated by any means of intimidation or threat, used of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abused of power or of position or of legal process, taking advantage of the vulnerabilities of the person, or giving, or receiving of payments or benefits to achieve the consent of a person having control having over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in these acts.*

(h) *Slavery - refers to the status or condition of a person over whom any or all of the powers attaching to the right ownership are exercised.*

(i) *Trafficking in Persons - refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, 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 power of or 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, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for the purpose of exploitation shall also be considered as Trafficking in Persons even if it does not involve any means set forth in the preceding paragraph, pursuant to R.A. No. 10364.

The use, procuring or offering of a child for the production and trafficking of drugs.

The use, procuring or offering of a child for illegal activities or work, which by nature or the circumstances it is carried out, is likely to harm their health, safety and morals.

(j) Pornography - refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means of a person engage in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

(k) Prostitution - refers to any act, transaction, scheme, or design involving the use of person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

(l) Recovery and Reintegration Programs for TIP - DSWD comprehensive program that ensures adequate recovery and reintegration services provided to trafficked persons.

(m) Victim Processing Center - a discrete, secure and dignified space of victims for a stay of at least 3 days to allow immediate/initial processing of the survivor's reaction after rescue, completion of key post-operation support activities and gather victim testimonies to be submitted in legal proceedings against their perpetrators.

(n) 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 enticements for tourists.

(o) QCCAT - refers to the Quezon City Council on Anti-Trafficking.

(p) Local Task Force - refers to the Quezon City Joint Task Force Against Trafficking.

(q) GAD - refers to Gender and Development.

(r) GFPS - refers to GAD Focal Point System.

(s) GPB - refers to Gender and Development Plan and Budget.

(t) BCPC - refers to Barangay Council for the Protection of Children.

SECTION 4. QUEZON CITY COUNCIL ON ANTI-TRAFFICKING. -

Pursuant to Section 16 (k) of R.A. No. 9208, as amended by R.A. No. 10364, the Quezon City Council on Anti-Trafficking (QCCAT) is hereby created.

The QCCAT shall be constituted and will serve as the primary arm of the City Government of Quezon in the implementation of the provisions of the Expanded Act and this Ordinance.

Its composition shall include:

Chairperson: *City Mayor*

Co-Chairperson: *City Vice Mayor*

Vice Chairperson: *Head, Social Services Development Department*

Members:

1) *Chairperson, Committee on Women, Family Relations and Gender Equality;*
2) *Chairperson, Committee on Children's Affairs;*
3) *Chairperson, Committee on Social Services;*
4) *Chairperson, Public Order and Safety;*
5) *President, Liga ng mga Barangay;*
6) *President, QC Pederasyon ng Sangguniang Kabataan;*
7) *Head, City Planning and Development Office;*
8) *Head, Business Permits and Licensing Department;*
9) *Head, Department of Public Order and Safety;*
10) *Head, Public Employment Services Office;*
11) *Head, Barangay and Community Relations Department;*

12) *Head, City Legal Department;*

13) *Head, Quezon City Health Department;*

14) *Head, Quezon City Protection Center;*

15) *Head, Gender and Development TWG Office;*

16) *Head, Education Affairs Unit;*

17) *Head, City Tourism Department;*

18) *Superintendent, Schools Division Office;*

19) *District Director, Quezon City Police District;*

20) *Representative from accredited NGOs (Women);*

21) *Representative from accredited NGOs (Children);*

22) *Representative from accredited NGOs (OFW).*

The three (3) representatives from the NGOs shall be appointed by the City Mayor for a term of three (3) years from the accredited list of NGOs provided by the Barangay and Community Relations Department. The QCCAT may also include additional members as the need arises.

Resource Persons:

1) *Department of the Interior and Local Government - Quezon City;*

2) *Department of Labor and Employment - Quezon City Field Office;*

3) *Bureau of Immigration - Quezon City;*

4) *Regional Trial Court; and*

5) *City Prosecutor.*

SECTION 5. MEETINGS AND QUORUM. - The QCCAT shall convene regularly every quarter. The City Mayor or the Majority of the members may call for such special sessions as it may deem necessary. A simple majority shall constitute a quorum to conduct official business.

SECTION 6. DUTIES AND FUNCTIONS OF THE QCCAT. - The QCCAT (QCCAT) 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;

3. Establish an anti-trafficking in person's central database;

4. Monitor and oversee the strict implementation of 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. Formulate a program for the reintegration of trafficked persons;

10. 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;

11. 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;

12. Develop the mechanism to ensure the timely, coordinated, and effective response to cases of trafficking in persons;

13. 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;

14. 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;

15. Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines;

16. Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons;

17. 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;

18. 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;

19. Lead the preparations and activities for the 18 days campaign to End Violence Against Women and Children in time for the celebration on December 12 of every year as "National Day Against Trafficking" and the July 30 of every year as the "World Day Against Trafficking in Persons";

20. Encourage and support community-based initiatives which address in TIP;

21. Adopt Standards in Building Communities that Protect Children from Trafficking, as per DILG Memorandum Circular No. 2018-53 to serve as a monitoring tool to the functionality of the QCCAT, QC GAD Council, QCPC and the BCPC in the implementation of plans, actions, activities and the enforcement of this ordinance;

22. *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;*

23. *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. QCCAT TECHNICAL WORKING GROUP. - The QCCAT Technical Working Group (TWG) shall be composed of, but not limited to, key staff from the various offices/departments or committees represented in the QC Council on Anti-Trafficking, including members from the private sector, academe and civil society organizations as appropriate.

The QCCAT Technical Working Group (QCCAT-TWG) Chair shall be elected from among the QCCAT TWG members. The designation of the QCCAT TWG Chair endorsed by his/her Office or Department Head and shall be made official through the issuance of a Memorandum duly signed by the City Mayor.

The QCCAT Technical Working Group (QCCAT-TWG) shall:

1. *Formulate and submit the comprehensive term and annual plan in response to the various gaps and issues on the implementation of the Act, this ordinance and other related laws;*

2. *Assist in the capacity and competency development of and provide technical assistance to the offices or units of the LGU;*

3. *Coordinate with the various units/offices of the LGU and ensure their meaningful participation in strategic and annual planning exercises including the preparation, consolidation and submission of Plans and Budgets which should include Anti-Trafficking of Persons PPAs and its inclusion to the GAD Plan and Budget (GBP) of the respective agencies;*

4. *Lead the conduct of advocacy activities and the development of information, education and communication (IEC) materials to ensure critical support of local elected officials, department heads and staff, and relevant stakeholders;*

5. *Monitor the implementation of Anti-Trafficking of Persons PPAs and suggest corrective measures to improve their implementation;*

6. *Prepare and consolidate Accomplishment Reports (ARs) and other related reports for submission to the QCCAT and the IACAT;*

7. *Provide regular updates and recommendations to the City Mayor or the QCCAT regarding activities and the progress of the LGU in implementation of the various PPAs based on the feedback and reports of concerned LGU offices/units, stakeholders and constituents;*

8. *Provide assistance in the review of PPAs from barangay to city level prior to implementation;*

9. *Disseminate information on current developments and studies on Anti-Trafficking of Persons and related issues (i.e. gender and governance, and gender-based violence); and*

10. *All other duties and functions that maybe mandated by the City Mayor and the QCCAT to achieve its goals.*

SECTION 8. CREATION AND FUNCTION OF THE QC CAT OFFICE. - The QC CAT office shall be established under the Office of the City Mayor that will support and coordinate all Anti-Trafficking-related PPAs and concerns of the City. The City Mayor may also appoint or designate the LGU personnel to manage the office.

The QC CAT Office shall:

1. *Assist the QCCAT and the TWG in the performance of their roles and responsibilities, specifically on the provision of administrative and logistical services;*

2. *Preparation of meeting agenda; and*

3. *Documentation of meetings and related activities;*

4. *All other duties and functions that maybe mandated by the City Mayor and the QCCAT members to achieve its goals.*

SECTION 9. JOINT TASK FORCE AGAINST TRAFFICKING IN PERSONS. -

1. *For this purpose, there is hereby created a QC Joint Task Force Against Trafficking in Persons (QCJTFATP) to be composed of:*

   (a) *Chairperson of the Sanggunian Committee on Peace and Order, as chair,*

(b) *One personnel/representative each from the Quezon City Police District, Social Services Development Department, City Health Office,*

(c) *Non-government Organizations with a track record in providing direct service victims of trafficking. The membership shall be determined by QCCAT.*

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 QCCAT in the formulation of plans and programs for the prevention and/or reduction of trafficking in persons. For this purpose, the QCJTFATP shall convene at least once every two months, or whenever necessary.*

3. *Within one (1) month from the adoption of this Ordinance, the QCCAT 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 10. ANTI-TRAFFICKING IN PERSONS DATABASE. - The Local Government of Quezon City through the QCCAT shall monitor and document cases of trafficking in persons within its territorial jurisdiction.

The QCCAT, through its TWG, in coordination with the City Planning and Development Department and the Quezon City 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 TIP, 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 TIP referred to the agency by destination countries/areas and by area of origin (sex and age disaggregated).*

The IACAT will provide data structure template to assist the QCCAT in collecting and analyzing data.

SECTION 11. DEVELOPMENT OF A MANUAL OF OPERATIONS ON HANDLING OF CASES INVOLVING TRAFFICKED PERSONS. - The QCCAT shall developed within 30 days of approval of this Ordinance, a Manual of Operations on handling of cases involving Trafficked Persons. The QCCAT, through its TWG shall initiate capability enhancement trainings relative to the approved Manual of Operations

SECTION 12. REPORTORIAL DUTY. - The QCCAT, through the City Mayor, shall submit to the Inter-Agency Council Against Trafficking (IACAT) Chair a report including highlights of major achievements, best practices, etc. on or before February 15 of every year, with respect to the preceding year's programs and data on trafficking-related cases.

SECTION 13. CREATION OF SHELTER FOR VICTIMS OF TRAFFICKING. - The local government of Quezon City, 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 Quezon City Protection Center in coordination with the Social Services and Development Department (SSDD) 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 14. PROVISION OF FINANCIAL ASSISTANCE TO VICTIM-SURVIVORS OF TRAFFICKING. - The City Government of Quezon shall provide financial assistance for victims-survivors of TIP and other forms of Sexual Exploitation. These assistances shall be used for medical, hospital, legal and educational needs of the victim-survivors. The QC Social Services Development Department shall oversee assessment and recommendation of assistance of the victim-survivors of TIP and other forms of Sexual Exploitation.

SECTION 15. INFORMATION CAMPAIGN ON ANTI-TRAFFICKING. - The City Government of Quezon, through its Public Employment Services Department (PESD), shall establish a Migrants Advisory and Information Network (MAIN) Desk.

(a) A Migrant Advisory and Information Network (MAIN) desks, shall be established by PESD at various locations in Quezon City such as, but not limited to, the Quezon City Hall, the Novaliches District Center, the Quezon City Protection Center in QCGH. 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 PESD.

(b) The city 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 City Government of Quezon shall conduct information dissemination activities at the barangay level and coordinate such activities with BCPCs, GAD Focal Point System, and DILG as provided for under Section 16 of R.A. No. 9208, as amended by R.A. No. 10364.

SECTION 16. INSTITUTION OF THE WORLD DAY AGAINST TRAFFICKING. - In order to raise awareness of the situation of victims of human trafficking and for the promotion and protection of their rights, July 30 of every year, shall be declared as "World Day Against Trafficking" and activities in observance thereof shall be held.

The QCCAT, in coordination with the IACAT, will lead the preparations and activities for the WDAT in their respective city.

SECTION 17. REWARDS AND INCENTIVES. - QCCAT 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 18. DEVELOPMENT OF CITY AND BARANGAY TRAFFICKING IN PERSONS PREVENTION PLAN. - To ensure the increased protection of the constituency especially women and children against trafficking a Trafficking in Persons Prevention Plan (TIPPP) shall be formulated and approved at the Barangay and City Level. The QCCAT shall ensure the mandatory implementation of this provision of the Ordinance.

SECTION 19. BARANGAY SEAL OF GOOD HOUSEKEEPING. - The QCCAT shall come up with rationale and mechanisms to assess the performance of all barangays in Quezon City in the local fight against TIP and child sexual exploitation. It shall be included among those to be assessed in the awarding of the Barangay Seal of Good Housekeeping.

SECTION 20. CONDUCT OF INTENSIVE ADVOCACY CAMPAIGN TO SCHOOLS ON CHILD SEXUAL ABUSE AND EXPLOITATION PREVENTION. - In addition to the intensified advocacy program of the City Government of Quezon on TIP, the QCCAT shall undertake the conduct of advocacy campaigns through various media and forum in all schools of Quezon City. It shall undertake, in consultation with the QC Education Unit and the Department of Education Schools Division Office, the formulation of age-appropriate and gender sensitive modules, learning materials and production of advocacy materials in various media.

SECTION 21. CONDUCT OF LEARNING DEVELOPMENT INTERVENTIONS (LDIS) FOR QCCAT MEMBERS AND BARANGAY SERVICE PROVIDERS ON ATIP. - The City Government shall regularly set aside funds for capacity building activities through LDIs for the duty-bearers such as members of the QCCAT and Barangay Service Providers on current issues, trends, strategies, policies in combatting Trafficking In Persons.

PENALTIES AND REQUIREMENTS

SECTION 22. VISITATION POWERS. -

(a) As an incident to its mandated duty in Section 6 hereof, the QCCAT or its duly authorized representative/s shall conduct inspection of houses, buildings, or establishments reported as being used for trafficking in persons.

(b) The unjustifiable refusal of the owner or person in charge of any house, buildings or establishment to submit the same for inspection by QCCAT or its duly authorized representative/s, 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.

(c) The QCCAT shall formulate the proper guidelines and protocols that will be observed in the exercise of this power in order to ensure compliance.

SECTION 23. 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. 10364.

The proceedings arising from this Section shall be a summary in nature. For cases, falling under paragraphs (a) and (b), the Office of the City Mayor 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 Office of the City Mayor 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.

The Office of the City Mayor shall send the Show Cause Order within twenty-four (24) hours upon receipt of the recommendation of the inspector for the cancellation of the business license. The concerned business establishment shall have a period of three (3) days to submit countervailing evidence upon receipt of the order. No motion of request for extension shall be allowed. Failure to submit countervailing evidence within the period shall be taken as a waiver on the part of the establishment to contest the findings and recommendations of the Office of the City Mayor. Upon receipt of the reply, the Office of the City Mayor shall forthwith resolve the issue within the period of not more than ten (10) days.

(c) The QCCAT shall formulate the proper guidelines and protocols that will be observed in the exercise of this power in order to ensure compliance.

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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. 10364.

The proceedings arising from this Section shall be a summary in nature. For cases, falling under paragraphs (a) and (b), the Office of the City Mayor 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 Office of the City Mayor 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.

The Office of the City Mayor shall send the Show Cause Order within twenty-four (24) hours upon receipt of the recommendation of the inspector for the cancellation of the business license. The concerned business establishment shall have a period of three (3) days to submit countervailing evidence upon receipt of the order. No motion of request for extension shall be allowed. Failure to submit countervailing evidence within the period shall be taken as a waiver on the part of the establishment to contest the findings and recommendations of the Office of the City Mayor. Upon receipt of the reply, the Office of the City Mayor shall forthwith resolve the issue within the period of not more than ten (10) days.

The order canceling the business permit shall take effect immediately. No motion for reconsideration shall be entertained.

SECTION 24. ADDITIONAL REQUIREMENTS FOR SPECIFIC BUSINESS ESTABLISHMENTS APPLYING A BUSINESS LICENSE. - In addition to the usual requirements for the issuance of a business license, specific business establishments listed below shall undergo an orientation on Anti-Trafficking in Persons prior to the issuance of business permit.

(a) Bars, nightclubs, videoke bars, KTV bars, and other similar establishments providing adult entertainment applying for new business licenses or applying for renewal shall sign an undertaking that they shall not employ minors and women who are victims of trafficking. Moreover, they shall require their applicants to submit Philippine Statistics Authority (PSA) authenticated birth certificates and at least one government-issued identification card (ID), aside from the usual application documents. These establishments shall be required to keep copies of PSA authenticated birth certificates and IDs of all employees as proof of age of majority. In the event that the PSA certifies No Record of Birth, other secondary evidence of proof of birth such as Baptismal Certificate, school ID, should be kept as proof of age of majority.

(b) The owner, proprietor or manager of boarding houses, pension houses, dormitories, and similar establishments applying for business permits and/or licenses or applying for renewal thereof, shall sign a written undertaking that they shall not engage in any acts, which promote trafficking such as, but not limited to, allowing the use of their premises to traffickers and their victims. The owner, manager or proprietor of such establishment shall have the mandatory duty to report suspected cases of trafficking to the QCCAT Office.

(c) The owner, proprietor or manager of internet cafes, computer rental shop, computer gaming shops or centers, and similar establishments applying for business permits and/or licenses or applying for renewal thereof, shall sign a written undertaking that they shall not allow any form of sexual exploitation as defined in the Expanded Act, such as, but not limited to, the participation of any person in pornography or the production of pornography, to take place within its premises nor allow the transmittal/distribution/uploading thereof.

SECTION 25. PENALTIES. - The willful refusal to submit the aforementioned undertaking as required above or the subsequent violation thereof and the lack of birth certificates or the possession of falsified birth certificates or the failure to keep employees' birth certificates as required in the record of employment shall be ground for the immediate denial or cancellation of the business license.

If the offender is a corporation, partnership, association, club, establishment or judicial person in possession of a business license issued by the City Government, such business license shall immediately be cancelled and revoked permanently.

The establishment shall be penalized with a fine of Five Thousand Pesos (Php5,000.00) and the owner, president, partner, or manager or any other officer thereof shall not be issued a new business license to operate any similar establishment under a different name within Quezon City.

SECTION 26. APPROPRIATION. - The initial amount of Two Million Pesos (Php2,000,000.00) is hereby appropriated out of the General Fund (Statutory Obligations) of the City Treasury to cover the first-year implementation of this Ordinance. Thereafter, the annual budget of the QCCAT for purposes of implementing this Ordinance shall be drawn from the Office of the City Mayor to be included in the Gender and Development (GAD) Fund of the LGU.

The annual appropriation of the Office of the City Mayor shall not limit other departments or offices from including in their proposed annual budget, programs, projects and activities on Anti-Trafficking.

SECTION 27. IMPLEMENTING RULES AND REGULATIONS. - The QCCAT 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 28. 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 29. 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 30. 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 31. EFFECTIVITY CLAUSE. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation.

ENACTED: December 7, 2020.

GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: JAN 12 2021

MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 7, 2020 and was PASSED on Third/Final Reading on December 14, 2020.

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III