

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Makati City

MEMORANDUM CIRCULAR NO. 2004-003

**GUIDELINES FOR IMPROVING CASE MANAGEMENT AND INITIATING
EFFORTS TOWARDS ADDRESSING THE PROBLEM OF
TRAFFICKING IN PERSONS**

WHEREAS the Department of the Interior and Local Government (DILG), the National Police Commission (NAPOLCOM) and the Philippine National Police (PNP) have been implementing agencies of the United Nations – Republic of the Philippines Pilot Project "***Coalitions Against Trafficking in Human Beings in the Philippines***" under the UN Global Program Against Trafficking in Human Beings approved on 29 March 1999 and completed Phase 1 implementation on October 1, 2003;

WHEREAS, the said agencies are committed to the strategic goals of their respective agencies indicating the need for inter-agency, regional and global cooperation in responding to trafficking in human beings as a transnational crime and stressing the need for a holistic approach and coordination of efforts in achieving the interrelated and interdependent goals through the implementation of effective measures to control and prevent human trafficking;

WHEREAS, there is a need to strengthen crime prevention strategies against trafficking in persons, improve the effectiveness of law enforcement and criminal justice responses and improve victim and witness protection and assistance;

WHEREAS, in May 2003, Republic Act No. 9208 otherwise known as "***The Anti-Trafficking in Persons Act of 2003***", was enacted setting up policies to eliminate trafficking in persons, especially of women and children, and establishing the necessary institutional mechanisms to protect and support trafficked persons, and providing penalties for violators;

WHEREAS, R. A. 9208 tasks the DILG to conduct comprehensive community education and information campaign programs against trafficking, monitor and document trafficking cases, and establish a database to support law enforcement and prosecutory efforts;

WHEREAS, the DILG, Napolcom and the PNP are members of the Technical Working Group of the Trade Union Congress of the Philippines and Solidarity Center's ***Anti-Trafficking Project*** which prepared and formulated a **Standard Reporting Format** for receiving cases of trafficking in persons;

WHEREAS, the same standard reporting form can be used by the WCCD, not only for cases of trafficking in persons, but also in recording all cases involving women and children, either as victims and/or as offenders;


WHEREAS, information and statistics derived from the reporting system can be utilized to determine the nature, causes and volume of trafficking in persons; to form a basis for the study of the problem; to plan intelligently; and to evaluate effectively the programs for addressing said crime;

W

NOW, THEREFORE, the Commission, in the exercise of its administrative control and operational supervision over the Philippine National Police, hereby orders and directs the PNP to:

1. Institutionalize the strict observance of the **Standard Reporting Format** (copy herein attached) for Women and Children's Protection Desks in all police stations and other offices having stake on such cases, including the submission of accomplished forms to the Napolcom;
2. Assist the Crime Prevention and Coordination Service, Napolcom in the formulation, adoption and implementation of a system of collating, consolidating and analyzing the data on trafficking in persons;
3. Conduct seminars, fora, training programs and other similar programs which aim to enhance the knowledge, skills and attitude not only of WCPD officers but also other concerned police personnel in handling and treatment of victims of trafficking; and
4. Assist the DILG and LGUs in the conduct of comprehensive community education and information campaign programs on trafficking in persons.

APPROVED this 18th day of MAY in the Year Two Thousand and Four in Makati City, Philippines.


JOSE D. LINA, JR.
Chairperson, Napolcom


LINDA L. MALENAB-HORNILLA
Commissioner
OIC, OVCEO


CELIA V. SANIDAD-LEONES
Commissioner


MIGUEL G. CORONEL
Commissioner
23 April 04


HERMOGENES E. EBDANE, JR.
Commissioner

ATTESTED BY:


ADELMALYN A. MUNTEZA
Chief, Secretariat

COMPLAINT STANDARD REPORTING FORM

1. Person/Unit Reporting		2. Date Accomplished		3. Referring Party and Contact Numbers	
4. Investigation/ Case No.		5. Name of Investigator/Interviewer			
A. OFFENSE DATA					
6. Time/Day/Month/Year of Commission				7. Place of Commission	
8. Offense/s Committed					
<input type="checkbox"/> a) Rape	<input type="checkbox"/> i) Physical Injuries (Domestic Violence	<input type="checkbox"/> p) Parricide			
<input type="checkbox"/> b) Incestuous Rape	<input type="checkbox"/> j) Physical Injuries (other circumstances)	<input type="checkbox"/> q) Murder			
<input type="checkbox"/> c) Frustrated/Attempted Rape	<input type="checkbox"/> k) Abduction/Kidnapping/Arbitrary Detention	<input type="checkbox"/> r) Theft/ Robbery			
<input type="checkbox"/> d) Acts of Lasciviousness	<input type="checkbox"/> l) Child Labor	<input type="checkbox"/> s) Estafa / BP 22			
<input type="checkbox"/> e) Sexual Harassment	<input type="checkbox"/> m) Child Trafficking (RA 7610)	<input type="checkbox"/> t) Other Crimes			
<input type="checkbox"/> f) Illegal Recruitment	<input type="checkbox"/> n) Other Forms of child abuse specify:	_____			
<input type="checkbox"/> g) Prostitution/White Slave Trade	<input type="checkbox"/> o) Homicide	_____			
<input type="checkbox"/> h) Trafficking In Person (RA 9208) Please indicate in space specific sections violated					
<input type="checkbox"/> Acts of Trafficking		<input type="checkbox"/> Acts that Promote Trafficking		<input type="checkbox"/> Qualified Trafficking	
Please specify provision: _____					
B. VICTIM'S DATA					
9. Name		10. Gender/ Sex	11. Age and Date of Birth	12. Place of Birth	
Family	First	Middle			
Aliases: _____					
13. Highest Educational attainment		14. Civil Status		15. Nationality/Citizenship	
<input type="checkbox"/> No formal education		<input type="checkbox"/> Single <input type="checkbox"/> Married			
<input type="checkbox"/> Elementary <input type="checkbox"/> HS		<input type="checkbox"/> Live-in <input type="checkbox"/> Widow/er			
<input type="checkbox"/> College <input type="checkbox"/> Post Graduate		<input type="checkbox"/> Divorced <input type="checkbox"/> Separated			
<input type="checkbox"/> Others: _____					
17. Present Address		18. Provincial Address		19. Parents	
				Mother's Name _____	
				Father's Name _____	
20. Employment Information		21. Identifying Documents presented		22. Contact Person, Address and Contact Numbers	
Occupation: _____					
C. OFFENDER'S DATA					
23. Name		24. Gender/Sex	25. Age and Date of Birth	26. Civil Status	
Family	First	Middle		<input type="checkbox"/> Single <input type="checkbox"/> Married	
Aliases: _____				<input type="checkbox"/> Live-in <input type="checkbox"/> Widow/er	
				<input type="checkbox"/> Divorced <input type="checkbox"/> Separated	
27. Highest Educational Attainment		28. Nationality		29. Previous Criminal Record	
<input type="checkbox"/> No formal education <input type="checkbox"/> Elementary <input type="checkbox"/> HS				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> College <input type="checkbox"/> Post Graduate <input type="checkbox"/> Others				Pls. specify: _____	
30. Employment Information		31. Last Known Address		32. Relationship to Victim	
Occupation: _____					
Identifying documents presented (company ID, Driver's license, etc.) _____					
D. EVIDENCE DATA					
33. Weapons/Mean Used					
<input type="checkbox"/> Firearms <input type="checkbox"/> Bladed Weapon <input type="checkbox"/> Blunt Instrument <input type="checkbox"/> Fist/Kick <input type="checkbox"/> Others pls. specify: _____					
34. Motive/Cause					
<input type="checkbox"/> Sex/Lust <input type="checkbox"/> Passion/Jealousy <input type="checkbox"/> Misunderstanding <input type="checkbox"/> Revenge <input type="checkbox"/> Family Trouble <input type="checkbox"/> Poverty					
<input type="checkbox"/> Others pls specify: _____					
35. Suspect under the influence of					
<input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input type="checkbox"/> Both <input type="checkbox"/> None <input type="checkbox"/> Others specify: _____					
36. Medico Legal Examination					
<input type="checkbox"/> Not availed <input type="checkbox"/> Availed Findings: _____					

E. ADDITIONAL INFORMATION RELATING TO TRAFFICKING IN PERSONS CASES

37. Method of Victimization

- Coerced
- W/consent
- w/o consent

38. When did you realized you were trafficked?

40. Port of Exit

39. Mode of Transfer

- By land
- By air
- By water

Means of Transport

41. Port of Transit

- By land
- By air
- By water

Means of Transport

42. Port of Destination

- By land
- By air
- By water

Means of Transport

43. How contact was established?

- Offender approached victim
- Victim approached offender
- Abducted/kidnapped
- Through friends
- Through relatives
- Others Please specify: _____

44. Types of Exploitation?

- forced labor
- prostitution
- debt bondage
- mail order spouses
- slavery
- sexual exploitation
- non-payment of wages/benefits
- pornography
- Others Please specify: _____

45. Placement Fees and/or Payment

Amount paid before departure _____
 Amount Paid Upon Departure _____
 Amount Paid Enroute to Destination _____

46. Travel Documents presented by victim

F. CASE DISPOSITION

47. Disposition

- settled at barangay
- settled by parties
- under police investigation
- before Prosecution Office
- filed in court
- Dismissed
- Referred to other gov agencies
- Others pls. specify: _____

48. Victim in Custody of

- DSWD
- NGO/PO
- Charitable Institution
- unoffending party
- BI
- groups/Individuals Please specify: _____

49. Suspect

- Arrested
- At large
- detained
- Others Please specify: _____

G. DIVERSION MECHANISMS

50. Police Diversion Mechanisms employed

- Offender-Victim conference administered
- Parties willfully settled case before the police
- If minor, police immediately consulted with child's parents/DSWD/NGO
- If minor, police issued warning
- If minor, child asked to perform community service

H. INCIDENT BRIEF

REFERENCE ON VIOLATIONS OF TRAFFICKING IN PERSONS

(Republic Act 9208)

ACTS OF TRAFFICKING

- Sec. 4. *Acts of Trafficking in Persons.* -- It shall be unlawful for any person, natural or juridical, to commit any of the following acts:
- 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;
 - 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 a 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;
 - To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
 - 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;
 - To maintain or hire a person to engage in prostitution or pornography;
 - To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced-labor, slavery, involuntary servitude or debt bondage;
 - To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;
 - To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.
- Sec. 5. *Acts that Promote Trafficking in Persons.* -- The following acts which promote or facilitate trafficking in persons, shall be unlawful:
- To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;
 - To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;
 - 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, or any brochure, flyer, or any propaganda material that promotes trafficking in persons;
 - To assist in the conduct of misrepresentation or fraud for purposes of facilitation the acquisition of clearances and necessary exit document from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;
 - To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampers or fraudulent travel documents for the purpose of promoting trafficking in persons;
 - To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies;
 - To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.
- Sec. 6. *Qualified Trafficking in Persons.* -- The following are considered as qualified trafficking:
- When the trafficked person is a child;
 - 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;
 - When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
 - When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
 - When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
 - When the offender is a member of the military or law enforcement agencies; and
 - When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).
- Sec. 11. *Use of Trafficked Persons.* -- Any person who buys or engages the services of trafficked persons for prostitution shall be penalized as follows:
- First offense -- six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and
 - Second and subsequent offenses -- imprisonment of one (1) year and a fine of One hundred thousand pesos (P100,000.00).