



Republic of the Philippines
CARAGA Region XIII
Province of Surigao del Norte
Municipality of San Benito



Office of the 10th Sangguniang Bayan

AN EXCERPT FROM THE MINUTES OF THE 48th REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN MEMBERS OF THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE HELD AT SANGGUNIANG BAYAN SESSION HALL ON DECEMBER 16, 2024 AT EXACTLY 2:00 O' CLOCK IN THE AFTERNOON

PRESENT:

Hon. Wellybel A. Requirme
Hon. Cindy R. Agati
Hon. Charlito E. Mendavia
Hon. Aldrein C. Glimane
Hon. Felix B. Sumando Sr.
Hon. Delfin P. Labola
Hon. William A. Polican
Hon. Jayrom P. Caballejos
Hon. Ruella T. Rulete
Hon. Aira Mae C. Galano

Mun. Vice Mayor/ Presiding Officer
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Membe
Sangguniang Bayan Member
Ex-Officio / LNMB President
Ex-Officio / SKF President

ABSENT:

Hon. Puyat P. Sumando

Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. 177-24 Series of 2024

"AN ORDINANCE MANDATING STRICT ENFORCEMENT AND IMPLEMENTATION OF THE PROVISIONS OF REPUBLIC ACT NO. 9208 OTHERWISE KNOWN AS "THE ANTI-TRAFFICKING IN PERSONS ACT OF 2003" AS AMENDED BY RA 10364, ALSO KNOWN AS "THE EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2012 IN THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE, PROVIDING FUNDS THEREOF AND FOR OTHER PURPOSES"

WHEREAS, the Trafficking in Persons, especially women and children, is an international, regional, national and local problem that needs a proactive and coordinated response at all levels:

WHEREAS, the Congress passed Republic Act No. 9208, otherwise known as "The Anti-Trafficking in Persons Act of 2003" last May 12, 2003 which was signed into law by President Gloria Macapagal-Aroyo on May 26, 2003; the law became effective on June 19, 2003;

WHEREAS, the Congress amended RA 9208 with RA 10364, otherwise known as "The Expanded Anti-Trafficking in Persons Act of 2012" last July 23, 2012, was signed into law by President Benigno Simeon C. Aquino III on February 6, 2013:

WHEREAS, Republic Act 9208, as expanded by RA 10364, is enacted to institute policies to eliminate trafficking in persons, especially in women and children, establishing the necessary

institutional mechanisms for the prevention of trafficking in persons, protection and support of trafficked persons, providing penalties for its violation, and for other purposes;

WHEREAS, Implementing Rules and Regulations of Republic Act No.9208 was drafted through a series of national consultations and adopted by the Inter-Agency Council Against Trafficking (IACAT) on January 2004;

WHEREAS, the problem of trafficking in persons should be immediately and effectively addressed by this Sangguniang Bayan through the enactment of this ordinance, to protect the people, both Filipino and foreign nationals, especially women and children, from further being exploited and abused through trafficking;

BE IT ENACTED by the Sangguniang Bayan of San Benito in session assembled, that:

Section 1. Title. This Ordinance shall be known as the "Anti-Trafficking in Persons Ordinance of Municipality of San Benito."

Section 2. Policies and Principles. It is hereby declared that the Local Government Unit of San Benito values the dignity of every human person and guarantees the respect of individual rights. Towards this end, the LGU shall give highest priority to the enactment of measures and development of programs that will promote human dignity and protect the people from any threats of violence and exploitation. The Local Government Unit of San Benito recognizes its vital role in addressing the problem of trafficking in persons, especially women and children, at grassroots level by instituting policies and programs to prevent, protect and rehabilitate victims of trafficking.

Section 3. Definition of Terms - As used in this Ordinance, the following terms shall mean:

A. Trafficking in Persons - refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or 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 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 exploitative purposes shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

- LCPC – Local Council for the Protection of Children
- IACAT – Inter-Agency Council Against Trafficking
- MIACAT – Municipal Inter-Agency Council Against Trafficking

Section 4. Role of the Local Government Unit of San Benito - To contribute to international and national efforts to address the problem of trafficking in persons, the Local Government Unit of San Benito shall implement programs and services that will contribute to the prevention of trafficking in persons, protection and rehabilitation of trafficked persons in Municipality of San Benito, pursuant to Section 15 (k) Section 16-A, Section 17 and Section 17-A of RA 10364.

Section 5. Monitor and Document Cases of Trafficking in Persons. The Local Government Unit of San Benito shall monitor and document cases of trafficking in person with their jurisdiction. Any person who has any knowledge or learns of facts or circumstances that give rise to a reasonable belief that a person will be, or may be or has been trafficked shall immediately report the same, either orally or in writing or through other means to the LCPC, nearest police or law enforcement agency, or the Municipal Social Welfare Office and/or the Millennium Development Goals Family-based Action for Children and their Environs in the Slums (MDG FACES). The Municipal Health Office shall likewise monitor cases of trafficking by reporting to the Municipal Social Welfare Office and/or MDG FACES -any suspected cases of trafficking in persons for purposes of sexual exploitation - incident to the conduct of the STD/HIV/AIDS monitoring test, daily hygiene check-up and other similar medical examinations. All agencies receiving any information of suspected cases of trafficking shall furnish the Municipal Social Welfare Office and/or MDG FACES with an incident report for

monitoring and documentation purposes. All reports of suspected cases of trafficking shall be forwarded to and Investigated by the MIACAT within forty-eight (48) hours. An investigation report shall be submitted by the Municipal Social Welfare Office and/or MDG FACES to the law enforcement agency within twenty-four (24) hours, which shall include the recommended action to be taken to address the reported Incident. The report shall be furnished to the Municipal Mayor. The Municipal Social Welfare Office and/or the Office of the MDG-FACES shall document the reported cases of trafficking in person up to its - termination. It shall likewise submit an annual report to the MIACAT on the situation of trafficking within the Municipal.

Section 6. Duty of Public Officials. Any public official who has any knowledge of facts or circumstances that give rise to a reasonable belief that a person will be, or may be, or has been trafficked and falls to report such to the MIACAT shall be penalized with a minimum allowable penalty under the Local Government Code of 1991.

Section 7. Cancellation of Licenses of Establishments which Violates the Provisions of RA 9208 - The Office of the Municipal Mayor shall affect the cancellation of any, business permit and licenses of establishments which violate the provisions of RA 9208 as expanded by RA 10364. All establishments applying for new business licenses or applying for renewal shall sign an undertaking that they shall not employ minors, men and women who are victims of trafficking and shall be required to keep couples of authenticated Local Civil Registrar (LCR) Birth Certificates of all their employees as proof of age of majority. Promotion houses, talent agencies, recruitment and placement agencies, all boarding house, pension houses, dormitories, and similar establishments that provide temporary or permanent lodging facilities for the purpose of generating any rental income who are required to apply for business permits or applying for its renewal shall sign an undertaking that they shall not engage in any act 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 report suspected cases of trafficking to any member of the MIACAT. The non-signing of the above undertaking and the lack of birth certificates or the possession of falsified birth certificates in the record of employment shall be a ground for the immediate denial or cancellation of the business licenses/permits. In addition to the penalties and sanctions imposed by RA 9208 as expanded by RA 10364, if the offender is a corporation, partnership, association, club, establishment or juridical person in possession of a business license Issued by the Local Government Unit of San Benito, such business license shall immediately be cancelled and revoked permanently and the establishment shall be penalized with a fine of five thousand (P5,000.00) pesos. The owner, president, partner or manager thereof shall not be issued a new business license to operate any similar establishment under a different name within the Municipality of San Benito.

Section 8. Ensure Effective Prosecution of Trafficking Cases - The Local Government Unit shall ensure the effective prosecution of cases of trafficking in persons committed in San Benito. For this purpose, there shall be created a Municipal Inter-Agency Council Against Child Trafficking (MIACAT).

The Composition shall be:

Chairman: Municipal Mayor

Members:

SB Chairman, Committee on Women and Children (SB)
Municipal Planning and Development Coordinator
Municipal DILG Officer
Municipal Social Welfare and Development Officer
Chief of Police, San Benito Municipal Police Station
Department of Education Supervisor or his/her representative
Municipal Health Officer
Public Employment Service Officer
Persons with Disabilities Officer

LGU GAD Focal Point

Head of NGO/PO Women Sector Head of NGO/PO Children Sector

The *Secretariat* shall be chaired by the Municipal Social Welfare Officer

The MIACAT shall coordinate in the conduct of surveillance, investigation and rescue operations of trafficking cases in San Benito. The Council shall also formulate plans and programs for the prevention and/or reduction of trafficking in persons.

The MIACAT shall be called and convene for a meeting within thirty (30) days after the effectivity of this Ordinance to formulate guidelines and protocols for the effective coordination in the conduct or surveillance, investigation and rescue operations on trafficking in persons.

To facilitate the successful, prosecutions of trafficking cases, the MIACAT shall establish a witness protection and support services program for the victims of trafficking that shall include but not limited to the establishment of a safe house for rescued victims, basic welfare and legal services, incentives in the form of financial support or alternative livelihood opportunities.

Section 9. Information Campaign Against Trafficking in Persons - The Local Government Unit shall undertake an information campaign against trafficking in persons through the establishment of the **Migrant Advisory and Information Network (MAIN)** whose composition shall be: Public Information Officer, City Director-DILG, City Tourism Officer, PNP Women & Children Desk Officer, and Barangay Anti-Child Trafficking. The Municipal Public Information Officer shall act as Coordinator.

The Local Government Unit shall conduct information dissemination activities at the barangay level and coordinate such activities with the PNP's Women & Children Desk, Barangay Anti-Child Trafficking, BCPCs and the DILG. Information dissemination activities shall likewise be conducted in schools, churches and other communities.

The Local Government Unit through the PIO shall produce and publish information, education and communication materials about trafficking, in-persons which shall include warning stickers to be posted in public places such as but not limited to bus and jeepney terminals, and other similar places including public conveyances where acts of trafficking may be committed.

Section 10. Encourage and Support Community-Based Initiatives. The Municipal Government of San Benito shall encourage and support community-based initiatives, which address the trafficking in persons.

The Local Government Unit shall provide support to BCPCs and qualified and accredited NGOs and POs engage in activities for the prevention of trafficking in persons, protection and rehabilitation of victims of trafficked persons.

Section 11. Services to Trafficked Persons - Pursuant to Section 23 of RA 9208, the Local Government Unit shall, in coordination with the concerned Government Agencies, make available the following services to trafficked persons:

- Emergency shelter or appropriate housing;
- Counselling;
- Free legal services which shall include information about the victim's rights and the procedure for filing complaints, claiming compensation and such legal other remedies available to them, in a language understood by the trafficking person;
- Medical or psychological services;
- Livelihood and skills training; and
- Educational Assistance to trafficked child.

The Municipal Social Welfare and/or MDG FACES shall lead in coordinating and providing (a), (b), (d), (e) and (f). The Municipal Attorney's Office shall lead in providing (c).

Section 12. Implementation. The MIACAT shall be the primary arm of the Local Government Unit in the Implementation of RA 9208 as expanded by RA 10364 and this Ordinance.

Section 13. Appropriation. The initial amount of **Six Hundred Ten Thousand Pesos (₱ 610, 000.00)** is hereby appropriated as its initial Budget to be taken from GAD. An annual appropriation may be allocated upon recommendation by the MIACAT and approved by the Local Chief Executive.

Section 14. Separability Clause - If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

Section 15. Effectivity. This Ordinance shall take effect upon its approval.

Let copies of this Ordinance be furnished the Office of the Municipal Mayor of San Benito, Surigao del Norte, Office of the MSWDO, PNP - San Benito, Surigao del Norte and all other concerned agencies for information and guidance.

ENACTED this, 16th day of December 2024 at the Sangguniang Bayan Session Hall, 3rd Floor, Legislative Building, San Benito, Surigao del Norte upon the motion of Sangguniang Bayan Member Charlito E. Mendavia duly seconded by Sangguniang Bayan Member William A. Polican.

XX

We hereby certify to the correctness of the foregoing Ordinance.

HON. CINDY R. AGATI
SB Member


HON. ALDREIN C. GLIMANE
SB Member


HON. DELFIN P. LABOLA
SB Member

HON. JAYROM P. CABALLEJOS
SB Member



HON. CHARLITO E. MENDAVIA
SB Member


HON. FELIX B. SUMANDO, SR.
SB Member


HON. WILLIAM A. POLICAN
SB Member


HON. RUELLA C. RULETE
Ex-Officio / LNMB President


HON. AIRA MAE C. GALANO
Ex-Officio / SKF President


HON. WELLYBEL A. REQUIRME
Municipal Vice Mayor
Presiding Officer

ATTESTED:


MELQUIADES G. MANTILLA, MA, MPA
Municipal Government Department Head 1
Sangguniang Bayan Secretary

APPROVED:

Date: 12/18/2024


HON. Ma. GINA SUMANDO – MENIL, LCB
Municipal Mayor