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FEATURE

**Implementation of the Anti-Human Trafficking
Law in Cebu City, Philippines**

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Abstract. *This study investigated the extent of implementation of the “Anti-Trafficking in Persons Act” under the Philippine Republic Act 9208 in Cebu City during the period of 2010-2011. The paper analyzed the various advocacy campaigns and rescue operations done by government agencies to fight human trafficking, the complaints filed by the various law enforcement agencies, and the programs conducted to mainstream victims into the community. The study anchored its framework on the social stratification theory of Weber (1978) and on RA9208 as its legal basis. It employed a descriptive qualitative research design using secondary data, online, refereed journals, and key informants. Results indicate that the government finds it difficult to crack down on human trafficking activities because of the “on-and-off” business operations of entertainment establishments whose customers include military men, politicians, and government officials. Apparently, most of the victims were women and minors who consensually involved themselves with consent because of monetary payments for rendering illicit services; victims are often poor, come from broken homes and large families, and they are compelled to work for economic and survival reasons. More often, trafficked victims execute an “Affidavit of Desistance” in exchange for money even after a complaint has been filed in court. Assessment of the various advocacy campaigns and implementations of anti human trafficking initiatives indicates the need for cooperation and strong support from the various government mandated agencies. Hence, efforts for combating human trafficking in Cebu City remains inadequate due to the lack of full coordination and overlapping of functions among implementing agencies.*

Keywords: Anti-human trafficking, trafficked victim, social stratification theory

In this technologically advanced, modern, globalized era, the world is characterized by the ease of international mobility in volume and frequency. Intercontinental and between-country travel has become affordable, heightened by safe and modern land, sea, and air transport systems. Entry and exit from one country to another have been easier and more accelerated because of regional-block-country unions, which facilitate movements of people across and between countries. Such a phenomenon indicates that the world is fast becoming a borderless global community.

Apparently, however, the advent of globalization is accentuated by downside realities. One of these is the proliferation of human trafficking, which is visibly prevalent among poor and developing countries (Clark, 2003). Operationally, human trafficking involves commercial exploitation of persons being compelled to do involuntary acts such as begging in the streets, sexual abuse, or forced slavery, among others (Schloenhardt, 1999; Tagliacozzo, 2008).

The Philippines is one of the developing countries where human trafficking abounds (Clark, 2003). This is because the majority of the Filipinos have very limited income and access to financial resources (Academy for Educational Development [AED], 2011) and they believe that finding work outside the country is the only way to substantially augment their income (De Leon, 2011). Children and young women fall prey and become easy victims of illegal human traffickers. They fall prey to false but convincing promises of employment opportunities abroad even with limited educational attainment (Flores-Oebanda, 2011; Yen, 2008). Consequently, human trafficking has increased in the country.

The island province of Cebu boasts for being a regional hub with an international airport servicing daily inbound and outbound flights within the Philippine archipelago and the ASEAN region. Cebu has several seaports, which connect the province to many island destinations including several ports in the Visayas, Luzon, and Mindanao. The Mactan-Cebu International Airport has regular flights to and from China, Japan, the Republic of Korea, Singapore, Taiwan, and Doha, in addition to domestic flights within the Philippines. On the downside, these seaports and international airports are capitalized by illegal human traffickers to transport their victims to offshore destinations with Cebu as the transit point (Flores-Oebanda, 2011).

Cebu City is a highly urbanized, first-class commercial area and known tourist destination with 80 barangays. It is strategically linked to an international airport, international seaport, and many local seaports; hence, it has become a convenient jump-off point to and from Luzon, Mindanao, the rest of the country, and the different parts of the world. This easy connectivity makes Cebu City very conducive as point of entry and exit for human illegal transshipment, which has exacerbated due to loose monitoring systems of airports and seaports (Flores-Oebanda, 2011). Poverty, natural disasters and insurgencies in many rural

areas are also “push” factors which amplify children’s and women’s vulnerability to human traffickers especially in Cebu because of its strategic location as transit point (International Justice Mission [IJM], 2010).

This study is anchored on the social stratification theory of Weber (as cited in Pandey, 1989), which argues that access to social resources like education, wealth, and political power by certain persons have varying levels. He explained that social stratification is a process whereby societies are grouped or stratified according to social layers. He stressed that these societies find themselves related unequally where one societal group may have more access to economic resources—like income—than the other groups. Weber (as cited in Pandey, 1989), also noted that this economic dislocation led to some consequences of imbalanced access to vital resources, and people with inadequate income become the vulnerable groups who often get exploited by those who have more. With the influence of monetary power, this scenario often results in biased protection of basic human rights and freedom (Weber as cited in Pandey, 1989).

The social stratification theory by Weber (as cited in Pandey, 1989) pertains to imbalance in human societies, which ensued from socio-political governance where access to economic resources and power are distributed inequitably among the citizens. As argued by Pandey (1989), some social organizations often induce abuses on the poor and thereby cause undesirable discrimination on marginal-income groups of the society. Because of the need for economic survival, the poor are easily manipulated and allow themselves, in the process, to be abused and exploited for monetary reward.

From the legal perspective, this study is based on Republic Act (RA) 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003. RA 9208 provides that the Philippine government shall “establish and implement preventive, protective and rehabilitative programs for trafficked persons.” In this regard, several national agencies are directed to formulate and implement policies and programs on human anti-trafficking initiatives for the entire country.

Review of Literature

The advent of globalization has led to increasing numbers of people crossing national boundaries either as immigrants, employees or tourists. Within regional blocks such as the ASEAN region, this process has intensified due to closer distances between countries, lower travel budgetary costs, and close cultural resemblance. These factors have positively encouraged inter-country travels (Emmers, Greener-Barcham, & Thomas, 2006) which are mostly voluntary for economic or for pleasure reasons. In this study, the authors also noted, however, that a significant number of people or individuals are forced or coerced to move or work as bonded labors, as sex workers or, in the worst cases, as slaves.

Between 600-800 thousand men, women and children were annually trafficked between international borders (U.S. State Department, 2005). Of these, 80% were women, half of whom were minors, who fell as victims to human traffickers in the same year (U.S. State Department, 2005). In a related study, Feingold (2005) noted that a substantial ratio of these trafficked persons were forced to sexual servitude while others were being exploited to do forced labor, or forced to work while receiving very minimal compensation.

The AED (2011) pinpointed the Philippines as the source and transit country for human trafficking activities with about 20,000 to 100,000 child victims trafficked. The AED (2011) also reported that Filipino children were usually exploited by other Asian foreign tourists.

In response, the Philippine government institutionalized the Implementing Rules and Regulations of RA9208, which stipulates the composition of task forces to counter human trafficking in the country. The Department of Justice (DOJ), (2011) has been given the task to coordinate with other government offices and non-government organizations. The member agencies are the National Bureau of Investigation (NBI), Philippine National Police (PNP), Criminal and Investigation Detection Group, Bureau of Immigration, Department of Social Welfare Development (DSWD) among others. The National Government Organizations are active partners especially the IJM and the Visayan Forum (VF) in this campaign. Cebu Province, Cebu City, and Mandaue City are among the Local Government Units (LGUs) in the Central Visayas Region (Region VII) that are very active in this campaign.

The DOJ VII Task Force on Anti Human Trafficking has three task forces: namely, the Mactan Cebu International Airport, Seaport, and Land Based Terminals. Since its creation in 2010, the task forces of Region 7 have conducted/attended various seminars, lectures, and meetings with various stakeholders such as the different non-organizations (i.e., IJM, VF, Lihok Filipina), law enforcement agencies (the PNP-Regional Anti-Human Trafficking Task, Criminal Investigation and Detection Unit, NBI) and the Local Government Units of Cebu Province, Cebu City and Mandaue City.

Responsive to the crucial roles and duties of the different field offices of the National Government Agencies and LGUs towards strict enforcement of the law on Anti-Human Trafficking, Section 13 of the Implementing Rules and Regulations of RA 9208 encourages the National Inter-Agency Councils to establish mechanisms that facilitate the full enforcement of the law from the regional to the local levels (Government of the Philippines, 2003; Philippine e-Legal Forum, n.d.). In this regard, the DOJ VII puts high priority on resolving cases like human trafficking, illegal drugs, extra-legal killings, tax evasion, and smuggling (IJM, 2010).

Methodology

This study evaluated and assessed the various advocacy campaigns undertaken in Cebu City and in Cebu province to combat human trafficking which included rescue operations and complaints filed against human traffickers as stipulated in the “Anti-Trafficking in Persons Act of 2003” under the Philippine RA9208. Specifically, the study determined the status of implementation and practices of RA9208, the Anti-Trafficking in Persons of 2003 in Cebu City during the period of 2010-2011. This study investigated the advocacy campaigns such as seminars and trainings to different groups and the rescue operations implemented against human trafficking. It also considered human trafficking complaints, which were filed in courts. Further, the study looked into the programs implemented in Cebu City to mainstream the victims into the community.

Research Design

This study employed a descriptive qualitative method utilizing secondary data obtained from reports of government data sources. Official data from the Office of the Regional Prosecutor (ORP) Region 7 were also gathered and used in the analysis of the study.

Research Locale and Key Informants

This research was conducted in Cebu City, Central Philippines. Thirteen key informants were purposively chosen for the study. They included prosecutors, support staff of the DOJ, police officers, agents of the NBI, lawyers, and staff of different stakeholders such as IJM, VF, and judges. Judges, having jurisdictions on some cases of human trafficking filed and pending in court, were also included as key informants.

Data Collection

Data for the years 2010 and 2011 were obtained from the ORP, Region 7, Office of the Cebu City Prosecutor, Office of the IJM, Police Office Camp Sotero Cabahug, Cebu City Hall, Office of the NBI Region 7, and the PNP Regional Office 7. Secondary data were primarily used in the study. To generate primary responses, unstructured informal interviews were done with key informants from the agencies involved in the implementation of RA 9208.

The gathering of the data was accomplished through the utilization of official reports regularly submitted by the Cebu City Prosecutors Office to the ORP and published reports from the IJM. Recorded reports, written minutes from meetings, conferences with fellow prosecutors, police and other members of the law enforcement agencies were also considered for the analysis.

Data Analysis

Descriptive analyses were carried out on the gathered reports obtained from various source agencies. Comparative analyses between 2010 and 2011 on criminal complaints and filed cases were articulated in the following discussion of results.

Discussion of Results**Campaign Against Human Trafficking**

Advocacy campaigns, seminars, and trainings were conducted as capability-building activities for Cebu City's workforce in coordination with concerned law enforcement agencies and rescue operation teams of Cebu City and in the entire Cebu province. Full coordination among different implementing agencies was however difficult to achieve because of some limiting factors. One of these was the heavy workloads of agency designated personnel and overlapping of functions among involved government agencies, non-government organizations, and the executives of the different LGUs, especially the barangay chairmen. Full cooperation from local leaders was very crucial since they have direct knowledge of the presence of human trafficking activities in the likes of brothels or casas and "Karaoke-TeleVison" (KTV) bars in their respective jurisdictions.

Nonetheless, various advocacy activities were implemented during the study period as confirmed by key respondents who were at the frontline in the campaign against human trafficking in Cebu City. The Cebu City Inter-Agency Council on Anti-Trafficking (CCIACAT) spearheaded the conduct of lectures/orientations on Anti-Human Trafficking Law (RA 9208) before the different entertainment establishments located in Cebu City. These establishments included KTV Lodges, KTV bars and bikini bars, among others, which grouped themselves into an association.

Orientations and seminars on RA 9208 were conducted and participated in by seaport workers such as the porters, security guards, and port police. These awareness campaigns aim to enlighten and empower the workers to get involved in the fight against human traffickers. Also, some lecture trainings were conducted for PARA-Social Workers and Gender and Development (GAD) Focal persons from 10 barangays of Cebu City.

Advocacy campaigns were also initiated and replicated into the different local government units, places, and even to the youths who are the usual victims. Posters were placed at the entrance of conspicuous areas and reading materials were distributed to the different seaport terminals, airport, and North and South bus terminals. In 2011, the Cebu City and Cebu Provincial governments, in cooperation with the IJM and UNICEF, sponsored a song writing competition

with the theme “Against Child Trafficking” or A.C.T. with the participation of many composers and singers.

In another activity, the Cebu provincial government and the VF invited youth leaders to an orientation seminar about RA 9208 and the launching of the Movement of Anti-Trafficking Advocates (MATA). The U.S. Ambassador to the Philippines and other officials attended the activity, which was held during the time of the study. During this event, the signing of the Memorandum of Agreement (MOA) between the Cebu provincial government, NGOs, and the different National Government Agencies to form a unified force to curtail illegal human trafficking was mandated.

At the implementation level, the task forces together with the IJM and different law enforcement agencies conducted an inspection and surveillance on suspected brothels (casa) and other entertainment business establishments in Cebu City, Mandaue City, Lapulapu City, and Toledo City. Reported incidents of women and even minors being sent or delivered to rooms of small, medium and big hotels, pension houses and inns, justified the task force surveillance and inspections into these establishments. IJM, DSWD and the PNP Regional Anti-Trafficking Task Force conducted the raids and rescue operations.

In 2010, an infamous and notorious brothel located in Barangay Banilad, Cebu City was closed. On April 29, 2011, another entrapment and rescue operation was made against an expensive and known KTV ar located in Barangay Banilad, Cebu City, which resulted in the rescue of 146 women including minors. Women pimps who had minors for sale at high prices managed an apartment located in Barangay Capitol Site, Cebu City. These female pimps were arrested July 15, 2011, at a hotel in Barangay Mabolo, Cebu City, in an entrapment operation wherein eight victims, minors from poor families were rescued. This confirms the argument of Weber’s Social Stratification Theory of Weber (as cited in Pandey, 1989), where those who have inadequate income become the easy victims and get exploited by those who have more.

The Mactan Cebu International Airport Task Force, together with the officials and employees of the Bureau of Immigration, instituted many offloading of passengers bound for the Middle East countries because of strict monitoring and implementation of RA 9208. These offloaded passengers posed as direct hired employees to countries which were banned by our government from whatever employment, even as domestic helpers or caregivers. They also posed as tourists to Arab countries but during examination of their travel documents and interviews, they lacked the required documents and even did not know the tourist destinations therein. Indeed, through the DOJ, the government has been consistent and aggressive in the implementation of the Law on Anti Human Trafficking.

In Cebu City, implementations of mandated programs, advocacies, and activities on anti-trafficking reflect sincere commitment by concerned agencies.

Full coordination between and among implementing agencies is, however, still inadequate considering the overlapping functions of persons designated to compose the task forces. They give priority to their mandated functions in their agencies rather than fully and effectively working in the anti-human trafficking task forces.

Moreover, it becomes hard to crack down this illegal activity because of the many entertainment establishments, which have business permits and other required licenses. Surveillance and rescue operations on brothels are difficult to conduct because these brothels do not operate regularly. It is public knowledge that some of the customers of these establishments are military men and political and government personnel. More so, the trafficked women and minors are labeled as willing victims because oftentimes they receive money from the traffickers and persons for whom they render their sexual services. Most of the time, if not all, they demand money for the service they provide to their clients although in reality they are but victims of inequality and injustice.

Complaints Filed by Different Law Enforcement Agencies

Based on records, from January 2010 to December 2010, there were four complaints filed for violation of RA 9208. These complaints were investigated under the regular preliminary investigation conducted by the assigned prosecutor. The suspects were not arrested, but were required to submit their countervailing evidences to support their claim of being innocent of the complaints filed against them. Resolutions of these filed complaints, however, was a slow process.

These cases remained pending in court during the study period as lawyers of the suspects were allowed to file motions for extensions allowing them to submit counter affidavits. It was evident that coordination between and among agency implementers was hampered by the bureaucratic structure of involved government agencies.

There were four complaints filed under the inquest proceedings in the months from April to June 2010. Those suspects were arrested or detained. From January 2011 to December 2011, 19 complaints were received under the regular Preliminary Investigation. Meanwhile, 16 cases with arrested suspects during entrapment and rescue operations were filed under the Inquest proceedings. Seven cases were filed and one was dismissed in 2010. Overall, there were 24 cases filed and some were dismissed. In some cases, the victims did not appear in court for trial, which led to the dismissal of the case filed against their employers and pimps.

Table 1

Criminal Complaints and Cases Filed Before the Office of the City Prosecutor by Quarter, Fiscal Year 2010 - 2011

Anti-trafficking in persons' indicators	2010	2011
A. Investigation/Review of criminal complaints/cases		
Pending complaints at the beginning of the quarter	3	6
New complaints received during the quarter	1	13
Complaints resolved during the quarter	4	9
Information for filing in court	9	9
Dismissed	1	
Pending complaints at the end of the quarter	-	10
Actual number of information filed in court	3	9
B. Inquest cases		
New complaints received during the quarter	4	16
Cases fully resolved during the quarter	4	15
Information filed in courts (right after inquest)	4	15
Pending complaints at the end of the quarter	-	1
Actual number of information filed in court	4	15

Complaints on Violation of RA 9208

From January to December 2010, there were four complaints filed under the regular preliminary investigation and four under the inquest proceedings. Of the total seven complaints, only one was dismissed due to insufficient evidence. From January 2011 to December 2011, there were 19 complaints filed under the regular preliminary investigation and 16 under the inquest proceedings. Of the total 35 cases, there were 24 cases filed before the Regional Trial Courts and 11 were still pending resolution by the assigned prosecutors.

It should be noted that once a complaint for violation of RA 9208 is filed before the Cebu City Prosecutors Office, the respondents through their counsels usually approach the victims who are the private complainants and offer money in exchange for the withdrawal of the complaint. The counsels of the respondents would ask the assigned investigating prosecutor to dismiss the complaint by filing a "Motion to Dismiss" with attached Affidavit of Desistance signed by the complainant. Nonetheless, the policy of the office is to file the case before the Regional Trial Court even with the Affidavit of Desistance signed by the victims.

Victims' Reintegration in the Community

As provided by law, the DSWD, LGUs and other concerned agencies “shall provide a comprehensive, gender-sensitive and child-friendly program for the recovery, rehabilitation, and reintegration of victims/survivors of trafficking.” (Government of the Philippines, 2003)

In Cebu City, currently, there are rehabilitation centers funded and managed by the DSWD in partnership with other stakeholders. The victims are equipped with livelihood and skill trainings such as candle and soap making. Some are sent to nearby elementary and secondary level public schools. Other community-based services such as medical and dental are provided.

Conclusion and Recommendations

Based on the foregoing discussions, it is concluded that efforts for combating human trafficking in Cebu City remain inadequate and does not have full coordination among different stakeholders concerned due to heavy workloads and overlapping of designated functions. The procedural process of filed complaints before the Cebu City Prosecutors Office is slow and takes time to get resolved. Many cases against human trafficking remain pending, in part because the lawyers of the respondents can motion for extensions of time to submit counter affidavit.

Success in combating human trafficking in Cebu City cannot be achieved by any single agency mandated to counter this problem. The fight against human trafficking calls for a concerted effort of various concerned government and private agencies, and civil society groups. Multi-agency task forces have to work hand-in-hand in monitoring key ports of exit and entry into and out of the city. This initiative can effectively correspond with the new thrust of the present Aquino government on Public Private Partnership. It is recommended that government should establish strong coordination between agency implementers and stakeholders. Seminars on human trafficking should be conducted in schools to increase the awareness of students, teachers and communities. Close coordination with different civic society groups (e.g., IJM and VF) needs to be aggressively implemented. Strict monitoring and surveillance of activities within beer houses and various establishments that potentially cater to human trafficking also must be enforced. On the one hand, military and government personnel who are caught as customers of this illegal trade and proven to be involved as “facilitators” of human trafficking activities should be punished, and if necessary be dismissed from the military or government service.

More rescue operations in the form of actual raids of entertainment operators identified to be engaging in any form of activities relating to human trafficking should be routinely conducted. Programs for the rehabilitation of victims should include psychological services, skills training, medical assistance, and possible employment or livelihood assistance should be provided so that victims will not fall prey to human trafficking again due to the lack of access to employment and other livelihood resources. Furthermore, related evaluative studies should be conducted to uncover various phenomena surrounding human trafficking activities not only in Cebu City, but also in the entire province in view of the high urbanization which created unchecked inequitable income distribution among Cebuano urban dwellers.

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