



LEGISLATIVE RESEARCH SERVICE QUICK NOTES

Second Regular Session, 19th Congress

Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality joint with the Committees on Migrant Workers; and Public Order and Dangerous Drugs

Chairperson: Sen. Risa Hontiveros

7 May 2024, Tuesday, 10:00 AM, Sen. Sotto Room, Senate

Re: Privilege Speech of Sen. Risa Hontiveros on Human Trafficking, delivered on November 21, 2022; Inquiry on the Alleged Human Trafficking and Cyber Fraud Operation at Clark; Human Trafficking Inside the Clark Freeport Zone; Involvement of an internet Gaming Licensee of PAGCOR on the Alleged Crimes or Offenses; and Human Trafficking, Serious Illegal Detention, and Physical Abuse and Torture

- **P.S. Res. No. 595—Sen. Grace Poe**
- **P.S. Res. Nos. 611, 853 & 977—Sen. Win Gatchalian**

Background¹

- Human trafficking is defined in the United Nations (UN) Trafficking in Persons Protocol, which supplements the UN Convention against Transnational Organized Crime, as “*the recruitment, transport, transfer, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, abduction, fraud or deception for the purpose of exploitation.*”
- People of all genders, ages and backgrounds can become victims of this crime, which occurs in every region of the world.
- Traffickers use violence, fraudulent employment agencies, and fake promises of education and job opportunities to trick, coerce and deceive people who are vulnerable, desperate or simply seeking better life.

Highlights

Privilege Speech of Sen. Risa Hontiveros

- Sen. Risa Hontiveros, in her privilege speech at the plenary session of the Senate on November 21, 2022, bared the case of 12 overseas Filipinos who were rescued from a Chinese syndicate based in Myanmar through the help of a non-governmental organization and the Department of Foreign Affairs (DFA).

¹ <https://www.unodc.org>

- Citing the testimonies of the rescued OFWs, Senator Hontiveros shared that the 12 Filipinos were recruited to work as call center agents or data encoders in Thailand firms. The recruits were instead brought to Myanmar by Chinese mafia where they were forced to scam people using cryptocurrency as a front.
- The Senator also revealed that aside from being forced to scam people, Filipinos also received corporal punishment where they were sold to other companies and even received death threats.
- The Department of Migrant Workers (DMW) was called upon to facilitate a national information drive against scam job offers in the internet; the Department of Justice (DOJ) and the Inter-Agency Council Against Trafficking (IACAT) to investigate these syndicates and accomplices; and the National Bureau of Investigation (NBI) and Philippine National Police Anti-Cybercrime Group (PNP ACG) to investigate and track down the Facebook pages and Telegram groups that are part of the alleged recruitment operations.

P.S. Res. No. 595 - Inquiry on the Alleged Human Trafficking and Cyber Fraud Operation at Clark & P.S. Res. Nos. 611 - Human Trafficking Inside the Clark Freeport Zone

- Sen. Grace Poe and Sen. Win Gatchalian, respectively, filed a resolution to investigate the alleged human trafficking and cyber fraud operations of a cyber marketing firm inside Pampanga's Clark Sun Valley Hub.
- The April 19, 2023 hearing of the Senate Committee on Women, Children, Family Relations, and Gender Equality revealed the existence of "scam hubs" in the Philippines that engage in cyber fraud operation and traffic foreign workers in the country.
- A total of 1,048 alleged human trafficking victims and forced labor were rescued at the Clark Sun Valley Hub Corporation inside the freeport zone on May 4, 2023 by the PNP Anti-Cyber Crime Group.
- Senator Poe also said that the investigations should be done to uncover the true scale and roots of human trafficking and fraudulent cyber-enabled industries in the country.

P.S. Res. No. 853 - Involvement of an Internet Gaming Licensee of PAGCOR on the Alleged Crimes or Offenses; and Human Trafficking

- This resolution seeks to investigate the alleged crimes involving the Smart Web Technology Corporation (Smart Web), a Philippine Offshore Gaming Operator (POGO) located in Pasay City, that was previously operating under the companies - Freego Gaming OPC and Xushen Technology Corp.
- The raid on 27 October 2023 by the Presidential Anti-Organized Crime Commission (PAOCC) on Smart Web for the alleged violation of RA 9208 or the Anti-Trafficking in Persons Act, as amended by RA 10364 or the Expanded Anti-Trafficking in Persons Act, rescued a total of 731 Filipinos and foreign nationals, which served as proof of the existing operation of a criminal syndicate in the country.

- During the raid, authorities found a KTV lounge, a pharmacy, restaurant, and other facilities pointing to sex trafficking.
- Despite PAGCOR's issuance of a revised offshore gaming regulations on 12 July 2023, an internet gaming licensee has already been found to have allegedly violated various laws and regulations, especially on prostitution, human trafficking, torture, kidnapping for ransom, and online scams.

P.S. Res. No. 977 - Serious Illegal Detention, and Physical Abuse and Torture

- This resolution seeks an investigation into the alleged abuses committed on the premises of an internet gaming licensees in Tarlac, and to reiterate the call for action on human trafficking, serious illegal detention, and physical abuse and torture incidents.
- On 13 March 2024, the PAOCC raided the premises of Zuan Yuan Technology, Inc., a grantee of a provision internet gaming licensee of PAGCOR located in Tarlac City. It stemmed from the complaint of a Vietnamese who escaped from the compound and was allegedly manhandled and electrocuted naked while being held in the compound.
- Citing the regulations of PAGCOR, gaming firms should be “of good repute” and “must not be associated with any person who is not of good repute or has undesirable or unsatisfactory financial resources.”

Possible Points for Discussion

1. Possible amendments to the Anti-Trafficking law of the Philippines, and passage of laws to ban the operations of POGOs in the country, to address the incidents of prostitution, human trafficking, torture, kidnapping for ransom, and online scams in relation to Internet Gaming Licensee of PAGCOR;
2. Review the capacity of PAGCOR to implement its own regulations covering the offshore gaming industry, as well as the capability of other law enforcement agencies to abate the commission of human trafficking, serious illegal detention, and physical abuse and torture in the country.
3. Is there already a established Anti-Trafficking in Persons Database in the country by the Inter-Agency Council Against Trafficking as mandated by RA 10364? As additional mandate, the Council shall submit a report to the President of the Philippines and to Congress, on or before January 15 of every year, with respect to the preceding year's programs and data on trafficking-related cases. Has this been complied with?
4. Section 16 of RA 10364 mandates that the government shall establish and implement preventive, protective and rehabilitative programs for trafficked persons. What programs have the following concerned agencies implemented so far based on their mandates?
 - *DFA* – to take necessary measures to efficiently implement the Electronic Passporting System to protect the integrity of Philippine passports, visas, and other travel documents to reduce the incidence of trafficking through the use of fraudulent identification documents.

- *Department of Social Welfare and Development (DSWD)* – to implement rehabilitative and protective programs for trafficked persons, provide counseling and temporary shelter, and develop a system for accreditation among NGOs for establishing centers and programs for intervention in various levels.
- *Department of Labor and Employment* – strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas; and monitor, document, and report cases of trafficking in persons involving employers and labor recruiters.
- *DOJ* – ensure the prosecution of persons accused of trafficking; designate and train special prosecutors to handle and prosecute trafficking cases; establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines, and volunteer groups.
- *Philippine Commission on Women* – shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons, and advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women’s issues.
- *Bureau of Immigration* – strictly administer and enforce immigration and alien administration laws; adopt measures for the apprehension of suspected traffickers both at departure and arrival; and ensure compliance by the Filipino fiancés/fiancées/spouses of foreign nationals with the guidance and counseling requirement provided in the law.
- *PNP and NBI* – primary law enforcement agencies; establish a system to receive complaints/calls to assist and rescue trafficked persons.
- *Philippine Overseas Employment Administration (POEA) and Overseas Workers and Welfare Administration (OWWA)* – POEA shall implement Pre-Employment Orientation Seminars (PEOS) while Pre-Departure Orientation Seminars (PDOS) shall be conducted by the OWWA; and formulate a system of providing free legal assistance to trafficked persons, in coordination with the DFA.
- *Department of the Interior and Local Government* – institute a systematic information and prevention campaign in coordination with pertinent agencies of government; provide training programs to local government units, in coordination with the Council; and ensure local understanding and application of the law.
- *Commission on Filipinos Overseas* – conduct pre-departure counseling services for Filipinos in intermarriages, and develop a system for accreditation of NGOs that may be mobilized for purposes of conducting pre-departure counseling services for Filipinos in intermarriages.
- *Local government units (LGUs)* – monitor and document cases of trafficking within their jurisdiction; effect the cancellation of licenses of involved establishments; ensure effective prosecution of such cases; and undertake an information campaign against trafficking through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces.