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Primer on the Anti-Trafficking in Persons Act of 2003
(Republic Act No. 9208)

Office of the President of the Philippines
COMMISSION ON FILIPINOS OVERSEAS
What is the Anti-Trafficking in Persons Act of 2003?

The Anti-Trafficking in Persons Act of 2003, also known as Republic Act 9208, institutes government policies to eliminate trafficking in persons, especially women and children. It establishes the necessary mechanisms to protect and support trafficked persons, and provides penalties for violators.

What is Trafficking in Persons?

Trafficking in persons is an illegal act and is considered a violation of human rights and inimical to human dignity and national development. It consists of the following elements:

1. It involves the recruitment, transportation, transfer, harboring or receipt of a person or persons;
2. It is committed with or without the victim’s consent or knowledge;
3. It is done within or across national boundaries;
4. It is committed by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or position, giving or receiving of payments or benefits to achieve the consent of a person having actual control over another person; and
5. It is done for the purpose of exploitation such as sexual exploitation, forced labor or services, slavery, and removal or sale of organs or other similar acts.
What is the difference between trafficking and illegal recruitment?

<table>
<thead>
<tr>
<th>Trafficking in Persons</th>
<th>Illegal Recruitment</th>
</tr>
</thead>
<tbody>
<tr>
<td>May or may not involve coercion, fraud, deception, abuse of vulnerability, etc.</td>
<td>Does not usually involve coercion but uses more deception, promises and fraud</td>
</tr>
<tr>
<td>It is characterized by subsequent exploitation after the illegal entry of one person</td>
<td>It is characterized by facilitating entry of one person from one country to another</td>
</tr>
<tr>
<td>from one place to another or one country to another</td>
<td>through an unauthorized or unlicensed agency</td>
</tr>
<tr>
<td>There is a need to prove the presence of exploitation or that the recruitment was</td>
<td>Mere recruitment without license is punishable, no need to prove the consequential</td>
</tr>
<tr>
<td>facilitated for the purpose of exploitation</td>
<td>exploitation</td>
</tr>
<tr>
<td>It is considered a human rights issue</td>
<td>It is a migration concern</td>
</tr>
<tr>
<td>With higher penalty:</td>
<td>With lower penalty:</td>
</tr>
<tr>
<td>Life imprisonment for qualified trafficking</td>
<td>Life imprisonment only when large scale or syndicated</td>
</tr>
<tr>
<td>20 years maximum for regular trafficking</td>
<td>12 years maximum for regular illegal recruitment</td>
</tr>
</tbody>
</table>
How is trafficking in persons distinguished from human smuggling?

<table>
<thead>
<tr>
<th>Trafficking in Persons</th>
<th>Human Smuggling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Usually involves coercion</td>
<td>Usually does not involve coercion</td>
</tr>
<tr>
<td>Characterized by subsequent exploitation after the illegal entry of a person into a foreign country</td>
<td>Characterized by facilitating, for a fee, the illegal entry of a person into a foreign country</td>
</tr>
<tr>
<td>Considered a human rights issue</td>
<td>Considered a migration concern</td>
</tr>
</tbody>
</table>

What are the three categories of Trafficking in Persons?

The Anti-Trafficking in Persons Act of 2003 provides for the punishment of three categories of trafficking:

1. Acts of trafficking in persons
2. Acts that promote trafficking in persons
3. Qualified trafficking in persons
Acts of Trafficking in Persons

♦ Recruiting, transporting, transferring, harboring, providing or receiving 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;

♦ Introducing or matching for money or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipina, to a foreigner, for marriage for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

♦ Offering or contracting marriage, real or simulated, for the purpose of prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

♦ Undertaking or organizing tours and travel plans consisting of tourism packages or activities for the purpose of prostitution, pornography or sexual exploitation;
♦ Maintaining or hiring a person to engage in prostitution or pornography;

♦ Adopting or facilitating the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

♦ Recruiting, hiring, adopting, transporting or abducting 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; and

♦ Recruiting, transporting or adopting a child to engage in armed activities in the Philippines or abroad.

**Acts that Promote Trafficking in Persons**

♦ Knowingly leasing or subleasing property for trafficking purposes;

♦ Producing, printing, issuing or distributing un-issued, tampered or fake counseling certificates, registration stickers and certificates of any government agency used for regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

♦ Advertising, publishing, printing, broadcasting or distributing by any means, including the use of information technology and the internet, of any propaganda material that promotes trafficking in persons;
♦ Assisting in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies for the purpose of promoting trafficking in persons;

♦ Facilitating, assisting or helping 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 un-issued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;

♦ Confiscating, concealing, or destroying 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; and

♦ Knowingly benefiting from, financial or otherwise, or making use of the labor or services of a person held to a condition of involuntary servitude, forced labor or slavery.
Qualified Trafficking in Persons

Qualified trafficking in person is committed when:

♦ The trafficked person is below 18 years old;

♦ The adoption is effected through Republic Act No. 8043 or 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;

♦ The crime is committed by a syndicate, or in large scale;

♦ 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;

♦ The trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;

♦ The offender is a member of the military or law enforcement agencies; and

♦ 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 Acquired Immune Deficiency Syndrome (AIDS).
When is trafficking considered a large scale or committed by a syndicate?

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.

Who can file cases for Trafficking in Persons?

The following persons may file cases of trafficking in persons:

- the trafficked person;
- the parents, spouse, siblings, children or legal guardian of the trafficked person; and
- anyone who has personal knowledge of the commission of any offense under R.A. 9208.

Where can Trafficking in Persons cases be filed?

Trafficking in persons cases under R.A. 9208 may be filed in any of the following places:

- where the offense was committed;
- where any of the elements of the offense occurred; or
- where the trafficked person resides at the time of the commission of the crime.
What is the procedure for filing of cases?

Complainant files complaint

Police or other law enforcement agency

Conducts case (build-up) investigation

Files complaint with Prosecutor

Documents which may be submitted include affidavit of complainant, affidavit of witnesses, fraudulent employment contracts, passports, counseling certificates, etc.

Office of the Prosecutor

Preliminary investigation

Is there probable cause

NO

Dismisses complaint

YES

Files information with proper court
What is the prescriptive period for filing of cases?

Trafficking cases can be filed within 10 years after they are committed. If trafficking is committed by a syndicate or on a large scale, cases can be filed within 20 years after the commission of the act. The so-called “prescriptive period” is counted from the day the trafficked person is delivered or released from the conditions of bondage.

What are the penalties for violations of R.A. 9208?

<table>
<thead>
<tr>
<th>Act</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acts of Trafficking</td>
<td>20 years imprisonment and a fine of P1 Million to P2 Million</td>
</tr>
<tr>
<td>Acts that Promote Trafficking</td>
<td>15 years imprisonment and a fine of P500,000 to P1 Million</td>
</tr>
<tr>
<td>Qualified Trafficking</td>
<td>Life imprisonment and a fine of P2 Million to P5 Million</td>
</tr>
<tr>
<td>Breach of Confidentiality Clause</td>
<td>Six (6) years imprisonment and a fine of P500,000 to P1 Million</td>
</tr>
</tbody>
</table>
| Use of Trafficked Person           | 1st offense: Six (6) months community service and a fine of P50,000  
|                                    | 2nd and subsequent offenses: One (1) year imprisonment and a fine of P100,000 |
Who may be punished for trafficking in persons?

Any person, natural or juridical, found guilty of trafficking under R.A. 9208 may be punished.

If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime, or who knowingly permitted or failed to prevent its commission.

If the offender is a foreigner, he or she shall be immediately deported after serving his/her sentence and barred from entering the country.

What protection is given to trafficked persons under R.A. 9208?

Trafficked persons are recognized as victims and shall not be penalized for crimes directly related to the acts of trafficking or in obedience to the order of the trafficker. The consent of the victim to the intended exploitation is irrelevant. Victims are also entitled to the witness protection program provided under R.A. 6981.

What happens to Filipino victims of trafficking living in other countries?

Trafficking victims living in other countries, whether documented or not, may be repatriated. The Department of Foreign Affairs shall be responsible for repatriating trafficked victims.
If, however, the repatriation of trafficked persons shall expose them to greater risks, the DFA shall make representations with the host government for the extension of appropriate residency permits and protection of the victim.

**What happens to the fines, proceeds and properties derived from trafficking in persons?**

All fines imposed, and the proceeds and properties forfeited and confiscated pursuant to R.A. 9208 shall accrue to a trust fund to be administered and managed by the Inter-Agency Council Against Trafficking. These shall be used exclusively for programs that will prevent acts of trafficking, and will protect, rehabilitate and reintegrate trafficked persons into the mainstream of society.

**The Inter-Agency Council Against Trafficking**

The Inter-Agency Council Against Trafficking (IACAT) is the primary body mandated to coordinate, monitor and oversee the implementation of R.A. 9208. It is composed of the heads of the following departments/agencies:

- Department of Justice (DOJ), Chair
- Department of Social Welfare and Development (DSWD), Co-Chair
- Department of Foreign Affairs (DFA)
- Department of Labor and Employment (DOLE)
• Philippine Overseas Employment Administration (POEA)
• Bureau of Immigration (BI)
• Philippine National Police (PNP)
• National Commission on the Role of Filipino Women (NCRFW)
• Three (3) representatives from NGOs, who shall be composed of one (1) representative each from among the sectors representing women, overseas Filipino workers (OFWs) and children. These representatives are nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years.

The Task Force Against Human Trafficking

The Task Force Against Human Trafficking (TFHT) is an inter-agency body created by Executive Order No. 548-A. It is based at the Commission on Filipinos Overseas (CFO) and complements the functions of the IACAT. The TFHT is composed of the CFO as Chair, and
members from the National Bureau of Investigation, the Philippine National Police, and other relevant government agencies as may be determined by the CFO Chairman.

The TFHT has the following functions:

a) Recommend to the IACAT policies, programs and services to enhance government initiatives against trafficking in persons;

b) Conduct surveillance and entrapment operations in consultation and coordination with the IACAT;

c) Cause or direct the immediate apprehension, investigation and speedy prosecution of persons involved in, or of cases involving trafficking in persons, and monitor progress of such cases;

d) Provide adequate legal, psycho-social and other forms of assistance to trafficked persons, subject to rules and regulations as may be implemented;

e) Consolidate various sources of data and statistics on trafficking, and establish a comprehensive databank for the effective monitoring, documentation and prosecution of trafficking incidents;
f) Conduct a community education and information campaign program against trafficking in persons; and

g) Perform such other acts as may be necessary for the effective discharge of its functions and responsibilities.
What programs are established for the prevention of trafficking and the protection of trafficked victims?

<table>
<thead>
<tr>
<th>Programs</th>
<th>Implementing Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecution of trafficking cases</td>
<td>DOJ, POEA, LGUs*</td>
</tr>
<tr>
<td>Reintegration and rehabilitation programs resulting in gender responsive and anti-trafficking oriented activities</td>
<td>DSWD, OWWA*, CHED, DepEd*</td>
</tr>
<tr>
<td>Counseling and temporary shelter for trafficking victims</td>
<td>DSWD, OWWA</td>
</tr>
<tr>
<td>Participation in bilatera, regional, international initiatives and arrangements against trafficking; protection of integrity of Philippine passports</td>
<td>DFA, NCRFW, CFO*, BI</td>
</tr>
<tr>
<td>Pre-marriage, on-site and pre-departure counseling program on intermarriages</td>
<td>DFA, OWWA, CFO</td>
</tr>
<tr>
<td>Comprehensive community education, advocacy and information campaign programs on trafficking</td>
<td>POEA, NCRFW, BI, DILG, LGUs, CHR*, PIA*, OWWA, DOT*, CFO</td>
</tr>
<tr>
<td>Monitoring and documentation of trafficking cases</td>
<td>DILG, LGUs, DOLE, OWWA, DOTC*</td>
</tr>
<tr>
<td>Establishment of database for law enforcement and prosecutory efforts</td>
<td>DILG, LGUs, POEA, PCTC</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
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</tr>
<tr>
<td>Mandatory free legal assistance and services</td>
<td>DOJ, DSWD, POEA, CHR, IBP*</td>
</tr>
<tr>
<td>Medical, psycho-social services, and temporary shelter</td>
<td>DSWD, DOH</td>
</tr>
<tr>
<td>Livelihood, educational, entrepreneurial and skills training</td>
<td>DSWD, OWWA, TESDA*, DepEd</td>
</tr>
<tr>
<td>Educational assistance to trafficked children</td>
<td>DSWD, OWWA, DepEd</td>
</tr>
<tr>
<td>Complaints, investigation and apprehension system</td>
<td>PNP, BI, NBI*, CHR</td>
</tr>
<tr>
<td>Monitoring of trafficking related activities in the internet</td>
<td>DOTC, DTI</td>
</tr>
<tr>
<td>Integration of topics on migration and trafficking in elementary and secondary education curriculum</td>
<td>DepEd</td>
</tr>
<tr>
<td>Integration of anti-trafficking efforts in the barangay level and monitoring government compliance with international human rights treaties</td>
<td>CHR</td>
</tr>
<tr>
<td>Addressing issues on trafficking of children through policy and program intervention</td>
<td>CWC*</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>Prevention and detection of trafficking with transnational crime dimensions and coordination with international law enforcement agencies</td>
<td>PCTC, NBI</td>
</tr>
</tbody>
</table>

*LGUs - Local Government Units  
OWWA - Overseas Workers Welfare Administration  
DepEd - Department of Education  
CFO - Commission on Filipinos Overseas  
CHR - Commission on Human Rights  
PIA - Philippine Information Agency  
DOT - Department of Tourism  
DOTC - Department of Transportation and Communication  
PCTC - Philippine Center on Transnational Crime  
IBP - Integrated Bar of the Philippines  
TESDA - Technical Education and Skills Development Authority  
NBI - National Bureau of Investigation  
CWC - Council for the Welfare of Children
INTERNATIONAL ROUTES OF TRAFFICKING VICTIMS

Source: National Human Trafficking Resource Center
Facts and Figures on Trafficking in Persons

- Sex Trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of commercial sex induced by force, fraud or coercion.

- Labor Trafficking is the recruitment, harboring, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, or for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

- According to the International Organization for Migration, about 192 million people live or work outside their place of birth, accounting for 3% of the world’s population. Roughly one out of 35 people in the world are migrants.

- The International Labor Organization estimates that there are 12.3 million people in forced or bonded labor, child labor and sexual servitude.

- According to the U.S. Department of State, approximately 800,000 people are trafficked across national borders annually, which does not include millions trafficked within their own countries.
Facts and Figures on Trafficking in Persons

• Approximately 80 percent of transnational victims are women and girls, and up to 50 percent are minors. The majority of transnational victims are females trafficked into commercial sexual exploitation. These numbers do not include the millions of female and male victims around the world who are trafficked within their own national borders - the majority for forced or bonded labor.

• UNICEF estimates that more than 300,000 children under 18 are currently being exploited in more than 30 armed conflicts worldwide. While the majority of child soldiers are between the ages of 15 and 18, some are as young as 7 or 8 years old.

• According to the United States Federal Bureau of Investigation, human traffickers earn US$9.5 billion annually.

• The U.S. Department of State’s 2008 Trafficking in Persons Report discloses a total of 32,545 prosecutions of human trafficking cases and 16,806 convictions worldwide from 2003 to 2007.

• The Philippines is classified as a Tier 2 country by the U.S. Department of State in terms of efforts to combat human trafficking.
Facts and Figures on Trafficking in Persons

- The Philippines is identified as a source, transit, and destination country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor.

- As of December 2007, there were 8.76 million Filipinos who lived and worked overseas. This is approximately 10% in relation to the country’s population and 20% of its workforce.

- According to the 2007 U.S. Department of State Human Rights Report, a significant number of Filipino men and women who migrated abroad for work were subjected to conditions of involuntary servitude. Women and children were also trafficked within the country, primarily from rural areas to urban areas for forced labor as domestic and factory workers, and for sexual exploitation. A smaller number of women were occasionally trafficked from China, South Korea, Japan, and Russia to the Philippines for sexual exploitation.

- Since the passage of the Anti-Trafficking Law in 2003, the Philippines has prosecuted 304 human trafficking cases resulting in the conviction of 12 persons.
## IACAT Members’ Directory

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