

RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 10906, OTHERWISE KNOWN AS "AN ACT PROVIDING STRONGER MEASURES AGAINST UNLAWFUL PRACTICES, BUSINESSES AND SCHEMES OF MATCHING ..."

IRR REPUBLIC ACT NO. 10906, September 12, 2022

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Pursuant to Section 8 of Republic Act No. 10906, the following rules and regulations are hereby promulgated to implement the provisions of said Act:

Article I

GENERAL PROVISIONS

SECTION 1. Title. - These rules and regulations shall be known and cited as "The Rules and Regulations Implementing Republic Act No. 10906".

SEC. 2. Purpose. - These rules and regulations are hereby promulgated to prescribe the procedures and guidelines for the implementation of Republic Act No. 10906 in order to facilitate compliance therewith and achieve the objectives thereof.

SEC. 3. State Policies. - It is hereby declared the policy of the State to protect and guarantee the individual rights of the Filipino people. Towards this end, the State shall prevent the exploitation of Filipinos and protect them from the unlawful practices, businesses and schemes which offer Filipinos for marriage or common-law partnership to unscrupulous foreign nationals and expose them to abuse, exploitation, prostitution and violent situations.

The Family Code of the Philippines states that there is a need to implement policies that strengthen marriage and the family as a basic social institution. Through the right to choose whom to marry belongs to an individual, the State needs to take measures to protect Filipinos from exploitation in the guise of intermarriage especially if such exploitation destroys the marital and familial institutions.

Article II

DEFINITION OF TERMS

SEC. 4. Definition of Terms. - As used in these rules and regulations, unless the context otherwise requires, the following terms shall be understood to mean:

- (a) Act - refers to Republic Act No. 10906 ("Anti-Mail Order Spouse Act").
- (b) Common Law Partnership - a conjugal relationship between a Filipino and a foreign national created by mere agreement and actual cohabitation without the solemnities of marriage.
- (c) Legitimate Dating Websites - internet sites including social media, other online and mobile platforms which offer online fellowship or dating, not operating under mail order spouse scheme.

(d) Mail Order Spouse Scheme - a strategy of matching a Filipino to a foreign national for a fee either by personal introduction, publication, advertisement, clubs or associations, or through internet websites including online platforms and schemes as may later on be provided by law for purposes of marriage or common law partnership.

(e) Mail Order Spouse or Partner - a Filipino whose identity is advertised as a part of the mail order spouse scheme either by personal introduction, publication or through internet websites including social media, other online and mobile platforms and schemes as may be later on be provided by law for purposes of marriage or partnership to a foreign national.

(f) Mail Order Schemes Fee - any monetary amount, profit, material, economic, or other consideration given to any natural or juridical person for the purpose of matching a Filipino to a foreign national through mail order or other similar practice.

(g) Offender - any person, whether natural or juridical, who directly or indirectly commits any of the prohibited acts under Section 3 of the Act; or any person who shall abet or cooperate in the execution of the said prohibited acts by previous or simultaneous acts; or any person who has knowledge of the commission of the unlawful acts and profits from it, assists the offender to profit from it, without having participated therein, either as principal or as an accomplice.

Article III

REPORTING AND INVESTIGATION OF MAIL ORDER SPOUSE SCHEMES

SEC. 5. Where to report. - The victim or any person who has the knowledge of the mail order spouse scheme or any of the prohibited acts under Section 3 of the Act, may report to the nearest law enforcement agencies, such as the Philippine National Police (PNP), or National Bureau of Investigation (NBI); barangay authorities; or any of the government agencies mandated to implement programs against mail order spouse schemes.

A report may also be made through the 1343 Actionline Against Human Trafficking, Department of Social Welfare and Development (DSWD) Trafficking in Persons (TIP) Helpline, PNP Women and Children Protection Desk/Center, NBI Anti-Human Trafficking Division, Department of Foreign Affairs (DFA) and Bureau of Immigration (BI) hotlines.

Victims of mail order spouse scheme who are overseas may report to the Philippine Embassy or Consulate which has jurisdiction over the place where the victim resides.

Report of incidences of mail-order spouse scheme shall be treated with utmost confidentiality.

SEC. 6. Receipt of report in the Philippines. - Within 48 hours, the personnel who receives the report shall immediately act on the case according to the mandate of his or her organization or unit he or she represents and the nature of the case. Cases requiring immediate rescue or investigation shall be referred to the law enforcement agencies within 24 hours.

Upon receipt of the report, the law enforcement agency shall gather information pertinent to the investigation of the case such as, but not limited to:

- (a) Name, address, date of birth, and sex of the victim of mail order spouse scheme;
- (b) Location of the victim and where the mail order spouse scheme occurred;
- (c) Name, address, date of birth, sex of the mail order spouse scheme offender, or if juridical entity, the present officers and directors or partners thereof;
- (d) If the offender is a foreigner, information on nationality and passport details;

(e) Mail order spouse scheme employed by the offender e.g. publication, internet, advertisement, clubs or associations, other similar schemes; and

(f) Details of mail order scheme fee e.g. amount paid, material considerations provided.

The conduct of investigation and rescue of victims shall be gender-sensitive and gender-responsive. The law enforcement agency shall conduct an initial evaluation of the information that was gathered for purposes of determining the veracity and sufficiency to support the filing of a case or the conduct of the necessary law enforcement operation. If the information that was gathered is not enough to warrant the filing of the case, the law enforcement agency shall conduct further investigation and intelligence gathering.

SEC. 7. Receipt of report outside the Philippines. - Upon the request of the report, the Philippine Embassy or Consulate shall gather information pertinent to the investigation of the case such as, but not limited to:

(a) Name, address, date of birth, and sex of the victim of mail order spouse schemes;

(b) Location of the victim and where the mail order spouse scheme occurred;

(c) Name, address, date of birth, sex of the mail order spouse scheme offender, or if a juridical entity, the present officers and directors or partners thereof;

(d) If the offender is a foreigner, information on nationality;

(e) Mail order spouse scheme employed by the offender e.g. publication, internet, advertisement, clubs or associations, other similar schemes; and

(f) Details of mail order scheme fee e.g. amount paid, material considerations provided.

The foreign service posts shall ascertain the situation of the victim and provide the necessary assistance mentioned in Section 15 (Protection and Assistance to Victims) of this Rules depending on the needs of the victim.

When the foreign service officer or Assistance-to-Nationals officer finds it necessary especially with the victims' consent and such would be beneficial for their recovery said officer shall communicate with the latter's next-of-kin (NOK). If the NOK-family members of the victims receive threats, reprisals or intimidation; protective measures shall be provided by the law enforcement agencies.

SEC. 8. Coordination with relevant agencies during investigation. - The law enforcement agency shall coordinate with other relevant agencies that can provide information and assistance to the investigation of the case.

The team conducting the law enforcement operation shall coordinate with the following agencies or organization for the provision of registered social worker:

(a) the local government of the place where the operation will be conducted; or

(b) the DSWD; or

(c) an accredited non-government organization.

The social worker shall provide the necessary assistance that the victims may need during the operation and investigation such as, but not limited to food, counselling, temporary shelter, medical, other necessary needs of the victims.

The law enforcement agency shall coordinate with the Commission on Filipino Overseas (CFO) for the verification of the victim's attendance to the mandatory pre-departure counselling services. For cases of

intermarriage, the law enforcement agency shall coordinate with the Philippine Statistics Authority and the local government's local civil registrar for the verification of pre-marriage and marriage documents. For cases requiring information on immigration data of victims and/or perpetration, the law enforcement agency shall coordinate with the BI.

SEC. 9. Taking of statement in law enforcement operations. - The sworn statement of the victims of mail order scheme shall be taken after they have been informed and have understood the legal procedures or filing of cases. Statements shall be taken in a place conducive for conducting interviews, follows a non-threatening process and in the presence of a social worker.

Article IV

REPATRIATION

SEC. 10. Repatriation of a victim/survivor of a mail-order spouse scheme. - The DFA, in coordination with other appropriate agencies, shall have the responsibility for the repatriation of victims/survivors of mail-order spouse scheme, regardless of their status in the host country.

The DFA shall allocate funds to cover the costs of repatriation of the victim/survivor of a mail-order spouse scheme.

Article V

PROSECUTION

SEC. 11. Who may file a complaint. - A complaint for any violation of the Act may be filed by the victim or any person who has personal knowledge of the commission of any of the prohibited acts under Section 3 of the Act.

SEC. 12. Filing of a complaint by law enforcement agency. - A law enforcement officer who has personal knowledge of the commission of any of the prohibited acts under Section of the Act may initiate a criminal complaint for violation of the Act by executing his/her affidavit or sworn statement.

SEC. 13. Where to file the complaint. - A complaint for violation of the Act may be filed at the Provincial/City Prosecution Office of the place where the offense was committed, or where any of its elements occurred, or where the victim actually resides.

SEC. 14. Venue for filing of cases. - Violation of this Act shall be filed in the court of the place where the offense was committed, where any of its elements occurred, or where the victim actually resides. The court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Article VI

MANDATORY PROGRAMS

The government shall establish and implement preventive, protective and rehabilitative programs for victims of the unlawful acts and practices of this Act.

SEC. 15. Protection and Assistance to Victims. - Government agencies shall make available the following services to the victims of unlawful acts and practices under the Act:

(a) Temporary or emergency shelter. The DSWD and the local government units (LGUs) shall provide temporary or emergency shelter to victims and shall likewise provide case management service. The DSWD shall develop an accreditation system for NGO-run facilities, programs and services.

If the victims is overseas, the DFA, in coordination with other appropriate agencies, shall provide fee temporary shelters and extend other services to Filipino victims through the Migrant Workers and Other Overseas Filipinos

Resource Centers (MWOFRFC). In areas where MWOFRFC is not present, the foreign service posts may coordinate with the local authorities or overseas migrant institutions or associations for the provision of services.

(b) Counselling. - The DSWD shall ensure that victims are provided with appropriate counselling services.

(c) Free legal services. Victims who want to pursue legal action, whether criminal, civil and administrative in nature, shall be provided with free legal services. Free legal services shall include, but not limited to, information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the victim; assistance in preparation of pleadings; and legal representation during hearings or legal proceedings especially on the the petition on nullity of marriages facilitated through the mail order spouse scheme.

The Department of Justice (DOJ) shall establish a mechanism for free legal assistance for victims in coordination with the DSWD, the Integrated bar of the Philippines, and other NGOs and volunteer groups.

The DFA, in coordination with other appropriate agencies, shall provide Filipino victims overseas with free legal assistance and counsel to pursue legal action against offenders and represent their interests in any criminal investigation or prosecution.

(d) Medical and psychological or psychiatric services. Victims needing medical and psychological or psychiatric services especially those who are victims of domestic violence or human trafficking shall be referred to the Department of Health (DOH) and other institutions for such services.

For repatriated victims, the DOH, through its Migrant Health Unit (MHU) and its accredited hospitals shall provide the necessary medical care.

(e) Other basic services. The DSWD shall also provide the following basic services to the victims, such as food, twenty-four (24) hour call center for crisis calls and technology based counselling and referral system, assistance in coordination with local law enforcement agencies, and assistance in coordination with the DOJ among others.

SEC. 16. Pre-departure counselling services. - The CFO shall conduct pre-departure counselling services for Filipinos who have contracted marriages or, who have entered or are about to enter into common-law partnership, with partners from other countries with different cultures, faiths and religious beliefs. The CFO shall develop a system for accreditation of NGOs that may be mobilized for purposes of conducting pre-departure counselling services for Filipinos in intermarriages.

SEC. 17. Policy formulation, monitoring and advocacy. The CFO shall collect and analyse pertinent data, statistics and conduct case studies and research on mail-order spouses. It shall come up with essential analysis and papers to guide concerned agencies in formulating policies and program interventions.

The Philippine Commission on Women (PCW) shall actively participate in formulating and monitoring policies addressing the issue of mail-order marriages and other similar practices. It shall likewise advocate for the inclusion of the issue of mail-order marriages and other similar schemes in both local and international advocacies for women issues.

SEC. 18. Information campaign. The CFO, in coordination with the Inter-Agency Council Against Trafficking, LGUs, Philippine Information Agency (PIA), concerned NGOs, and other stakeholders shall conduct information campaign against the mail-order spouse and other similar schemes.

Article VII

SPECIFIC ROLES AND RESPONSIBILITIES OF RELEVANT AGENCIES

SEC. 19. Specific roles and responsibilities of relevant agencies. - The following government agencies shall have, but not limited to, the following roles and responsibilities:

Department of Foreign Affairs

- * Shall make available its resources and facilities overseas for victims of mail order marriages and other similar schemes regardless of their manner of entry to the receiving country.
- * Provide free temporary shelters and other services to Filipino victims, in coordination with other appropriate agencies.
- * Provide care management service for victims overseas through the Foreign Service Posts.
- * Ensure compliance of Filipino fiancé(e)s, spouses and other partners of foreign nationals to the CFO Guidance and counselling Program (GCP) as a pre-requisite for their passport applications. As a proof of their compliance, a guidance and counselling certificate (GCC) will be issued and the same will be presented to the DFA.

Department of Social Welfare and Development * Implement preventive, protection and rehabilitative programs for victims

- * Provide case management service for victims whether overseas, or in the Philippines
- * Develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community

Provide the following basic services: (a) temporary shelter or housing and food; (b) psychological support and counselling; (c) 24-hour call center for crisis calls and technology-based counselling and referral system; (d) assistance in coordination with local law enforcement entities; and (e) assistance in coordination with the DOJ.

Department of Migrant Workers/Department of Labor and Employment * Provide free temporary shelters and other services to Filipino victims of mail-order spouse scheme through the Migrant Workers and Other Overseas Filipinos Resource Centers.

Department of Justice * Ensure prosecution of the offenders

- * Establish a mechanism for free legal assistance for victims in coordination with the DSWD, the Integrated Bar of the Philippines, and other NGOs and volunteer groups.

Commission on Filipinos Overseas * Conduct GCP to Filipino fiancé(e)s, spouses and other partners of foreign nationals. A GCC is issued upon compliance of the GCP.

- * Maintain a watch list database of information on foreign nationals with history of domestic violence, multiple sponsorship, marital infidelity, or involvement in human trafficking, child abuse, fraud and other derogatory record.
- * As a supplement to the GCP, extend appropriate counselling intervention to Filipinos who can be prospective victims of domestic violence and human trafficking in the guise of intermarriages.
- * Maintain a watch list database of information on local or foreign marriage brokers (individual or organizations) operating in violation of this Act.
- * Collect and analyze pertinent data, statistics and conduct case studies and researches on mail-order spouses.

* Conduct information campaigns against unlawful acts under this Act and other similar schemes in coordination with LGUs, PIA and NGOs.

Philippine Commission on Women *Formulate and monitor policies addressing the issue of mail-order spouses and other similar practices.

* Advocate for the inclusion of the issue of mail-order spouses and other similar schemes in both local and international advocacy for women issues.

Philippine National Police/National Bureau of Investigation * Undertake surveillance investigation, arrest and file complaint against individuals or persons suspected to be engaged in mail-order spouse schemes.

* Coordinate with other law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected offenders.

* Establish a system to receive complaints and calls to assist victims and conduct rescue operations.

* Include the issue of mail-order spouses in the capacity building for PNP and NBI officers.

Bureau of Investigation * Ensure compliance of Filipino fiance(e)s, spouses and other partners of foreign nationals to the CFO GCP as a pre-departure requirement for travel overseas.

Department of the Interior and Local Government * Include the issue of mail-order spouses in its capacity building and information campaign activities for LGUs specifically those in-charge of local civil registration, public employment service office (PESO) and Overseas Filipino Worker (OFW) help desks.

Philippine Information Agency * Enhance public awareness on the issue of mail-order spouses, pertinent laws and possible actions to prevent victimization and re-victimization by developing public advocacy program as well as printing and distributing appropriate information materials in coordination with CFO, LGUs and NGOs.

Department of Health * Provide the necessary medical care to victims.

* Include the issue of mail order spouses in its capacity building and information campaign for health professionals and hospital staff

Article VIII

PROHIBITED ACTS

SEC. 20. Prohibited Acts. - It is hereby declared unlawful for any person, whether natural or juridical, to commit, directly or indirectly, any of the following acts:

(a) Engage in any business or scheme for money, profit, material, economic or other consideration which has for its purpose of matching or offering of a Filipino to a foreign national for marriage or common law partnership on a mail-order basis or through personal introduction, email or websites on the internet including social media sites and applications.

(b) Exhibit, advertise, publish, print or distribute or cause the exhibition, advertisement, publication, printing or distribution of brochures, flyers, or propaganda materials which are calculated to promote such act, or to post, advertise or upload such materials on the internet;

(c) Solicit, enlist or in any manner, attract or induce any Filipino to become a member in any club or association whose objective is to match Filipino nationals to foreign nationals for the purpose of marriage or common law partnership for a fee; and

(d) Use the postal service or any website on the internet, social media, other online and mobile platforms to promote the prohibited acts.

SEC. 21. Exceptions. - Legitimate dating websites which have for their purpose connecting individuals with shares interests in order to cultivate personal and dating relationship are not covered by said prohibited act. Provided that, these websites are not used as conduits, or alternatives for the aforementioned prohibited acts.

Article IX

PENALTIES

SEC. 22. Penalties. - Any person found guilty by the court to have committed any of the prohibited acts provided under this Act shall suffer the penalty of imprisonment for 15 years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than One Million Pesos (P1,000,000.00).

Any person who shall abet or cooperate in the execution of the prohibited acts mentioned in this Act, by previous or simultaneous acts, shall suffer the same penalty provided in the preceding paragraph.

If the prohibited act is committed by a syndicate or on a large scale, the offender shall suffer the penalty of 20 years of imprisonment and a fine of not less than Two Million Pesos (P2,000,000.00) but not more than Five Million Pesos (P5,000,000.00).

The prohibited act is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another.

The prohibited act is deemed committed on a large scale if committed against three (3) or more persons, individually or as a group.

Any person who has knowledge of the commission of the unlawful acts and profits from it, assists the offender to profit from it, without having participated therein, either as a principal or as an accomplice, shall be punished as an accessory to the offense committed and shall suffer the penalty of 10 years of imprisonment and a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00).

If the offender is a foreigner, he/she shall be immediately deported after serving the sentence and payment of fine and shall be barred permanently from entering the country.

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, or any responsible officer who participated in the commission of the prohibited acts or who shall have knowingly permitted or failed to prevent its commission.

SEC. 23. Suspension or revocation of business license or permits. - The court may also suspend or revoke the license or permit to operate in the Philippines of the advertising agency, newspaper, and magazine publisher, television or radio station, internet websites including other online platforms, or other entities who commit any of the prohibited acts.

Article X

CONFISCATION AND FORFEITURE

SEC. 24. Confiscation and forfeiture. - In addition to the penalty imposed for the violation of this Act, the court shall order the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act.

All awards for damages shall be taken from the personal and separate properties of the offender and if such

properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

When the proceeds, properties and instruments of the offense have been destroyed or diminished in value or otherwise rendered worthless by any act or omission directly or indirectly, by the offender or it has been concealed, removed, converted or transferred to prevent or avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offense.

Article XI

FINAL PROVISIONS

SEC. 25. Separability clause. - If any provision of this rules and regulations is declared unconstitutional, the remainder thereof or any provision not affected thereby shall remain in full force and effect.

SEC. 25. Repealing clause. - Republic Act No. 6955, also referred to as the Anti-Mail Order Bride Act, is hereby repealed. All other laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 27. Effectivity. - These rules and regulations shall take effect 15 days after its complete publication in at least two (2) newspapers of general circulation.

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