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REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 604



Introduced by REP. FRANCIS G. ESCUDERO

EXPLANATORY NOTE

The importance of the Filipino family is underscored by our Constitution as the fundamental unit of society. A well-functioning family, whether nuclear or extended, can provide the material and psychological needs of its members. It is also a source of physical security for society's children. Unable to defend themselves from possible exploitation, violence and abuse, children rely on the protection and care that their parents (legal guardians) provide. This nurturing environment enables our children to develop their potentials to become self-actualized and fully integrated individuals. Seen in this light, it is a cause for alarm if children are separated from their families or their legal guardians. Away from their protectors, missing children are placed in a situation of grave danger.

Cognizant of its responsibility to protect the welfare of children, the State is therefore compelled to formulate strategic procedures that facilitate the prompt recovery of missing children.

This Bill seeks the establishment of a missing child recovery program that is national in scope and strategic in its approach. The program shall be lodged at the Council for the Welfare of Children with the creation of a sixth sectoral panel, the Sectoral Panel on Missing Children.

The program is aimed at developing effective models of national and local coordination and cooperation in locating missing children, effective, methods designed to promote community awareness of the problem, and

effective programs that provide counseling and treatment to the recovered children and their families.

The program shall also: a) provide technical assistance to concerned government and non-government organizations in locating and recovering missing children; b) coordinate public and private programs which locate, recover or reunite missing children with their parents or legal guardians; and c) disseminate information about innovative programs and services on missing children.

It also includes the conduct of national incidence studies to determine the actual number of children reported missing and the member of children who are recovered each year. Lastly, the program seeks to establish a national missing children telephone hotline by which individuals may report information leading to the location of any missing child or to request pertinent information.

In view of the foregoing, early passage of this bill is earnestly requested.



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AN ACT
ESTABLISHING A NATIONAL STRATEGIC MISSING CHILDREN
RECOVERY PROGRAM, AND FOR OTHER PURPOSES

Be it enacted by SENATE and HOUSE OF REPRESENTATIVES of the Philippines in Congress assembled:

SECTION 1. *Title* - This Act shall be known as the "National Strategic Missing Recovery Program Act."

SECTION 2. *Declaration of Principles* - The State reiterates its responsibility to protect the welfare of children especially in the wake of the following developments, namely:

- a) each year, hundreds of children are abducted or removed from the protection and care of their legal guardians with such parents or legal guardians' consent, under circumstances which place these children in grave danger;
- b) many of these children are never reunited with their families;

- c) often there are no clues to the whereabouts of these children;
- d) many missing children are at great risk of both physical harm and sexual exploitation;
- e) in many cases, parents and local law enforcement officials, have neither the expertise nor the resources to mount expanded search efforts;
- f) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of both local and national law enforcement efforts; and
- g) on frequent occasions, law enforcement authorities quickly exhaust all leads in missing children cases, and require assistance from distant communities where the child may be located.

SECTION 3. *Definition of Terms* - For the purpose of this Act,

- a) the term "missing child" shall refer to any individual less than 18 years of age whose whereabouts are unknown to such individual's parents or legal guardian if:
 - 1) the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the protection and care of such individual's parents or legal guardian without such parents or legal guardian's consent; or
 - 2) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited.
- b) the term "Council" shall refer to the Council for the Welfare of Children;
- c) the term "Chairperson" shall refer to the Chairperson of the Sectoral Panel on Missing Children of the Council for the Welfare of

Children of the Department of Social Welfare and Development;
and

- d) the term "Sectoral Panel" shall refer to the Sectoral Panel on Missing Children.

SECTION 4. *Creation of the Sectoral Panel on Missing Children* - a) A sixth sectoral panel, the Sectoral Panel on Missing Children, shall be the primary unit in the Council that shall assist law enforcement agencies in the prompt resolution of cases involving missing children.

b) The Sectoral Panel shall adhere to the rules and regulations governing the operations and administration of the Council.

SECTION 5. *Duties and Functions of the Sectoral Panel* - a) The Sectoral Panel on Missing Children shall establish and operate a national resource center and information clearing house designed to:

- 1) provide technical assistance to national and local governments, non-governmental organizations (NGOs), and individuals in locating and recovering missing children;
- 2) coordinate public and private programs which locate, recover or reunite missing children with their parents or legal guardians;
- 3) disseminate information about innovative programs, services and legislation on missing children; and
- 4) establish and operate a national missing children telephone hot line by which individuals may report information regarding the location of any missing child, or request information pertaining to procedures necessary to reunite such child with the child's parents or legal guardians.

- 5) annually conduct national incidence studies to determine the actual number of children reported missing, the number of children who are victims of abduction by strangers, and the number of children who are recovered each year.
- 6) analyze, compile, publish and disseminate an annual summary of recently completed researches and national and local demonstration projects relating to missing children with particular emphasis on:
 - a) effective models of national and local coordination and cooperation in locating missing children;
 - b) effective educational methods designed to promote community awareness of the problem to prevent the abduction and sexual exploitation of children; and
 - c) effective program which provide counseling and treatment to families of missing children or to the children who have been victims of abduction or sexual exploitation.

SECTION 6. *Duties and Functions of Chairperson -*

a) The Chairperson shall:

1. issue such rules as the Chairperson considers necessary or appropriate to carry out the duties and functions of the Sectoral Panel on Missing Children;
2. prepare, subject to the review and approval of the Technical Management Committee, an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children; and

3. provide adequate staff and agency resources which are necessary to properly carry out the responsibilities of the Sectoral Panel.
- b) The Chairperson shall provide grants to or enter into contracts with other government agencies, government-owned and controlled corporations, private corporations, and NGOs pursuant to the provisions of Section 5 of this Act.
- c) The Chairperson shall receive and manage funds from external sources including donations, grants and endowments for the implementation of its programs pursuant to the provisions of Section 5 of this Act.

SECTION 7. *Additional Members to the Council Board* - The Council Board shall have as additional members the Philippine National Police and the National Bureau of Investigation or their duly designated representatives.

SECTION 8. *Grants* - a) The Chairperson is hereby authorized to make grants to private corporations, government agencies or NGOs, or combinations thereof, for research, demonstration projects, or service programs designed to:

- 1) educate parents, children, and local communities in ways to prevent the abduction and sexual exploitation of children;
- 2) provide information to assist in the locating and recovery of missing children;
- 3) aid communities in the collection of materials which would be useful in the identification of missing children;

- 4) increase knowledge of and develop effective treatment pertaining to the psychological consequences, on the family of the missing child;
- 5) collect detailed data on the actual investigative practices utilized by law enforcement agencies in missing children's cases.

b) In considering grant applications, Executive Director shall give priority to applicants who have proven track record or experience in:

- 1) locating missing children or locating and reuniting missing children with their parents and legal guardians;
- 2) providing other services to missing children or their families; or
- 3) conducting research relating to missing children;

SECTION 9. *Criteria for Grants* - Subject to the review and approval of the Technical Management Committee, the Chairperson shall establish annual research, demonstration, and service program priorities for making grants and contracts pursuant to Section 8 of this Act.

SECTION 10. *Appropriations* - To carry out the provisions of this Act, Five Million Pesos (P5,000,000.00) shall be appropriated to the Sectoral Panel under the General Appropriations for the first year of implementation. Thereafter, such amount as may be necessary to carry out this purpose shall be included in the budget of the Council for the Welfare of Children in the General Appropriations Act.

SECTION 11. *Separability Clause* - If any provision of this Act or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of the Act or the application of such

provision to other person or circumstances shall not be affected by such declaration.

SECTION 12. *Repealing Clause* - All laws, presidential decrees, executive orders, rules, and regulations which are contrary to the provisions of this Act are hereby repealed, amended, and modified accordingly.

SECTION 13. *Effectivity* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

Approved,