

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5042

Introduced by REP. ANTHONY G. DEL ROSARIO

EXPLANATORY NOTE

One of the nation's most valuable assets is its children. These young minds, who are tomorrow's best implements in nation-building, are also our most vulnerable human resources. Susceptible to danger as they are, their protection should be one of our foremost priorities.

In these times when syndicates flourish on organ transplant trade, parents have become panic-stricken. It is a wrenching pain to witness or even hear accounts of parents about their missing or abducted children. While some missing children may have been returned to their families, a larger number were not but instead exposed to danger, exploited, or worst, killed and can no longer be located.

Thus, in purveyance to the Constitutional mandate of promoting and protecting the physical, moral and spiritual well being of the youth, and in response to the need for a strategic procedure to facilitate prompt recovery of missing children, this bill proposes to establish a National Center for Missing Children which shall be tasked to provide information and coordinate public and private initiatives towards reuniting missing children with their families.

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



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AN ACT
ESTABLISHING A NATIONAL CENTER FOR MISSING CHILDREN AND
APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. **Short Title.** – This Act shall be known as the “*National Center for Missing Children Act.*”

SEC. 2. **Declaration of State Policy.** – The following State policies shall be observed at all times:

- a) The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.
- b) The State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

SEC.3. **Determination of Age.** – This Act shall apply to persons below the age of eighteen (18) years old pursuant to the United Nations Convention on the Rights of the Child. The age of the child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents. In the absence of these documents, age may be based on information from the child himself or herself, testimonies of other persons, the physical appearance of the child and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in her or his favor.

SEC. 4. ***National Center for Missing Children (NCMC)***. – There shall be created, under the supervision of the Department of Justice, the National Center for Missing Children (NCMC).

The NCMC shall exercise the following powers and functions:

a) Establish and maintain missing children telephone hotlines that will receive and disseminate in a timely manner to various local government units, government agencies, law enforcement agencies, school districts, and the general public, information regarding missing children which shall include pictures, bulletins, police reports biographical references and other relevant data that can help efforts to locate missing children;

b) Maintain a regularly updated computerized link nationwide about missing children through established reporting systems or clearing houses;

c) Coordinate with public and private entities like the media and various non-government organizations to locate and reunite missing children with their families;

d) Disseminate information relating to innovative and model programs, services, and legislations that will benefit missing and exploited children;

e) Conduct national incidence studies annually to determine the actual number of children reported missing, the number of children who are victims of abduction, and number of children who are recovered each year;

f) Seek technical and logistical assistance through public and private grants which shall be used to:

i. Educate parents, children, and local communities in ways to prevent the abduction and sexual exploitation of children;

ii. Provide information to assist in the location and recovery of missing children;

iii. Aid communities in the collection of materials which would be useful in the identification of missing children;

iv. Increase knowledge of and develop effective treatment pertaining to the psychological consequences to the family of the missing child; and

- v. Collect detailed data on the actual investigative practices utilized by law enforcement agencies in missing children's cases.
- g) Analyze, compile, publish and disseminate an annual summary of recently completed researches and demonstration projects relating to missing children with particular emphasis on:
 - i. Effective models of national and local coordination and cooperation in locating missing children;
 - ii. Effective educational methods designed to promote community awareness of the problem to prevent abduction or sexual exploitation of children; and
 - iii. Effective programs which provide counseling and treatment to families of missing children or to children who had been victims of abduction or sexual exploitation.
- h) Perform such other powers as may be necessary for the effective implementation of this Act.

SEC. 5. **Executive Council.** – The powers and functions of the NCMC shall be exercised by the Executive Council, hereinafter referred to as the Council, which shall be composed of the following:

- a) Secretary of the Department of Social Welfare and Development (DSWD), as Chairman;
- b) Secretary of Justice; (DOJ)
- c) Secretary of Education (DepEd);
- d) Secretary of the Interior and Local Government (DILG); and
- e) Chief of the Philippine National Police (PNP);
- f) Chairperson of the Commission on Human Rights (CHR);
- g) Director of the National Bureau of Investigation (NBI);
- h) Executive Director of the National Center for Missing Children (NCMC);
- i) Executive Director of the Council for the Welfare of Children (CWC);

j) Two (2) representatives from non-government organizations (NGOs), one to be designated by the Secretary of Justice and the other to be designated by the Secretary of Social Welfare and Development, as members.

SEC. 6. **Executive Director.** – The National Center for Missing Children shall be headed by an Executive Director who shall, upon approval of the Council, determine the organizational structure and staffing pattern of NCMC.

SEC. 7. **Appropriations.** – The amount necessary for the initial implementation of this Act shall be taken from the current appropriations of the Department of Justice. Thereafter, such amount as may be necessary for its continued implementation shall be included in the Annual General Appropriations Act.

SEC. 8. **Repealing Clause.** – All laws, decrees, orders, rules and regulations, and other issuances, or parts thereof, which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 9. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,