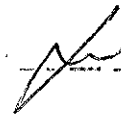


10 JUL 15 PM 20

SENATE

S.B. No. 1437

RECEIVED BY



Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to establish a National Strategic Missing Children Recovery Program which will aid in returning missing children to the care and protection of their parents or legal guardians. Children receive protection and care not only from their respective parents and families but most especially from the State, based on the concept of *Parens Patriae*. Article 14, Section 3, of the 1987 Philippine Constitution also states that Filipino children have the right 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.

Because of the ills of the society, numerous children experience exploitation, violence and abuse. There are child laborers, street children and children who are victims of rape or sexual abuse. There are government agencies that specifically look into these cases. The Council for the Welfare of the Children is the agency that oversees children's protection, welfare and development in the Philippines. It has sectoral panels or task forces that focus on the five major areas of the Philippine Plan of Action for Children (PPAC) and the Convention on the Rights of the Child (CRC): 1) family care and alternative parental arrangements; 2) basic health, nutrition, social security and safe environment; 3) basic education, leisure, recreation and cultural activities; 4) protection of children in especially difficult circumstances; and, 5) fundamental civil rights.

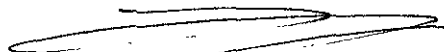
A significant number of children are separated from their families for reasons such as natural calamities as well as forced and involuntary disappearances. Yet, there is no specialized agency that oversees cases relating to missing children.

This measure seeks to answer this need through the establishment of a missing children recovery program. The program will be under the Council for the Welfare of Missing Children with the creation of a sixth sectoral panel: the Sectoral Panel on Missing Children. The said Sectoral Panel shall establish and operate a national resource center and information clearinghouse. Its functions include coordinating public and private programs which will locate, recover and reunite missing children with their parents or legal guardians and establishing and operating a national missing children telephone hotline.

To ensure that the provisions of the Act are properly carried out, five million pesos shall be allocated to the Sectoral Panel on Missing Children for the first year of its implementation. After which, the Sectoral Panel shall be included in the budget of the Council for the Welfare of Children in the General Appropriations Act.

With the passage of this measure, more children will be reunited with their families where they can continue to grow under their protection and care.

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



LOREN LEGARDA
Senator

10 JUL 13 P4:20

SENATE

S.B. No. 1437

RECEIVED BY



Introduced by Senator Loren Legarda

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

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

SECTION. 1. Short Title - This Act shall known as the "*National Strategic Missing Children Recovery Program Act of 2010.*"

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

1. Each year, hundreds of children are abducted or removed from the protection and care of their parents or legal guardians with such parents or legal guardians' consent, under circumstances which place these children in grave danger;
2. Many of these children are never reunited with their families;
3. Often there are no clues to the whereabouts of these children;
4. Many missing children are at risk of both physical harm and sexual exploitation;
5. In many cases, parents and local law enforcement officials, have neither the expertise nor the resources to mount expanded search efforts;
6. Abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of both local and national law enforcement efforts; and
7. 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,

1. 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;

a) 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

b) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited;

2. The term "Council" shall refer to the Council for the Welfare of Children;

3. 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

4. The term "Sectoral Panel" shall refer to the Sectoral Panel on Missing Children.

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

The Sectoral Panel shall adhere to the rules and regulations governing the operation and administration of the Council.

SECTION. 5. Duties and Functions of the Sectoral Panel. - The Sectoral Panel on Missing Children shall:

1. Establish and operate a national resource center and information clearinghouse designed to:

a. provide technical assistance to national and local governments, nongovernmental organizations (NGOs) and individuals in locating and recovering missing children;

b. coordinate public and private programs which locate, recover, and reunite missing children with their parents or legal guardian;

c. disseminate information about innovative programs, services, and legislation on missing children

2. Establish and operate a national missing children telephone hotline 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 guardian;

3. 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.

4. Analyze, compile, publish, and disseminate an annual summary of recently completed researches, as well as national and local demonstration projects relating to missing children with particular emphasis on:

a. Effective models of national and local agencies for 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 programs which provide counseling and treatment to families of missing children or to children who have been victims of abduction or sexual exploitation;

SECTION. 6. Duties and Functions of the Chairperson. - The Chairperson shall:

a. issue such rules as the Chairperson considers necessary or appropriate to carry out the duties and functions of the Sectoral Panel on Missing Children;

b. 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;

c. provide adequate staff and agency resources which are necessary to properly carry out the responsibilities of the Sectoral Panel;

d. 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 8 of this Act.

e) The Chairperson shall receive and manage funds from external resources including donations, grants and endowments for the implementation of its programs pursuant to the provisions of Section 5 of 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 authorized representatives.

SECTION. 8. Grants. - 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:

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

b. Provide information to assist in the locating the recovery of missing children;

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

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

e. Collect detailed data on the actual investigation practices utilized by law enforcement agencies in missing childrens' cases.

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

a. Locating missing children or locating and reuniting missing children

b. Providing other services to missing children or their families; or

c. Conducting research relating to missing children with their parents or legal guardians;

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 (P 5,000,000.00) 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 of Provisions - 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 persons or circumstances shall not be affected by such declaration.

SECTION. 12. Repealing Clause - All laws, presidential decrees, executive orders, rules and regulations that 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,