

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUL -2 P20

SENATE

RECEIVED BY:



Senate Bill No. 429

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

In every day's news reports, a portion for missing persons has always been provided for. It seems that there is a ceaseless number of people missing, young and old alike. Although the media plays a big role in finding lost persons, it does not fully solve all cases of missing persons.

It is for this reason that a Commission on Missing Persons is being recommended for creation. The Commission can focus in performing the functions that it is tasked to perform, thus, ensuring public safety for each and every member of the community. By the nature and character of the functions for which it is created, the Commission can guarantee to solve each and every case that will be brought to them because they can concentrate their time and effort in rendering their services in finding missing persons.

The following are some of the notable functions of the Commission:

1. to conduct investigation of missing persons whose whereabouts are unknown, upon its initiative or upon the request of an interested party;
2. to evaluate and render corresponding reports on each of the cases and make recommendations to the party requesting the search, or to the DSWD for temporary shelter and assistance;
3. to continuously review and evaluate Detective Operations to achieve specification of detective assignments as a measure of the accomplishment of investigation teams;
4. to initiate policies and programs towards an effective communication system to aid the search of missing persons; and
5. to devise a system of raising the consciousness of the people and for them to inform the Commission of persons who are found loitering about in public places, tramping or wandering about aimlessly.


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


JINGGOY EJERCITO ESTRADA
Senator

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**AN ACT
CREATING A COMMISSION ON MISSING PERSONS**

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

SECTION 1. *Commission on Missing Persons.* – In order to promote and ensure public safety of the community, there is hereby created a Commission to be known as the Commission on Missing Persons, hereinafter referred to as the "Commission".

SEC 2. *Composition of the Commission.* – The Commission shall be composed of the Chairman of the Human Rights Commission as Chairman, the Director General of the Philippine National Police, the Director of the National Bureau of Investigation, Chairman of National Police Commission and the Secretary of Social Welfare and Development as members and two (2) representatives from the private sector whose advocacy is on human rights.

For actual attendance at regular meetings, the members of the Commission from the private sector shall receive a per diem of One Thousand Pesos (P1,000.00) for every meeting actually attended.

SEC 3. *Functions of the Commission.* – The Commission shall have the following functions:

1. to conduct investigation of missing persons whose whereabouts are unknown, upon its initiative or upon the request of an interested party;
2. to evaluate and render corresponding reports on each of the cases and make recommendations to the party requesting the search or to the DSWD for temporary shelter and assistance;
3. conduct research, before submitting the corresponding report or investigation, to support or back up the commendations;
4. to monitor and supervise the investigation conducted by members of the police forces;

5. to coordinate the activities of investigation teams with social workers of the DSWD in the case of abandoned or maltreated / *abused children and dependents*;
6. to continuously review and evaluate Detective Operations to achieve specification of detective assignments as a measure of the accomplishment of investigation teams;
7. to call upon different agencies, government and non-governmental organizations, for assistance and service as it may require in the discharge of its responsibilities;
8. to initiate policies and programs towards an effective communication system to aid the search of missing persons; and
9. to devise a system of raising the consciousness of the people and for them to inform the Commission of persons who are found loitering about in public places, tramping or wandering about aimlessly.

SEC 4. *Composition of the Secretariat.* – There shall be a Secretariat for the Commission headed by an Executive Director, to be appointed by the Chairman and approved by a majority of the members of the Commission. The Commission shall fix the compensation and allowances of the Secretariat in accordance with the Salary Standardization Law.

SEC 5. *Powers of the Commission.* – The Commission shall have the power to make arrests, searches and seizures in accordance with existing laws and rules and shall likewise have the power to issue subpoena or subpoena duces tecum for the appearance of any persons for investigation.

SEC 6. *Implementing Rules.* – The Commission on Human Rights shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC 7. *Appropriation.* – The amount needed for the implementation of this Act shall be charged to the appropriations of the Commission on Human Rights under the current annual General Appropriations Act. Thereafter, such sum shall be included in the annual General Appropriations Act.

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

SEC 9. *Separability Clause.* – If any provision or section of this Act is declared unconstitutional or invalid, such portions not effected thereby shall remain in full force and effect.

SEC 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation whichever comes earlier.

Approved,