# Grief without closure for the disappeared | Inquirer Opinion

https://opinion.inquirer.net/185772/grief-without-closure-for-the-disappeared

It has been over a decade since the Philippines passed a landmark law criminalizing enforced disappearances, but the ghosts of the missing refuse to be laid to rest, their families grappling not only with grief but the haunting absence of closure.

From Jonas Burgos in 2007 to Felix Salaveria Jr. and James Jazmines in 2024, there is an all-too-familiar pattern for their disappearance: activists snatched by unidentified men, families left in the dark, courts that took months to act, and authorities who saw, heard, and spoke nothing.

Republic Act No. 10353 was hailed as a milestone in human rights protection when it was enacted in 2012, the first of its kind in Asia. Today, it stands as a sorry example of toothless legislation.

Despite clear provisions, like the requirement for detention centers to certify whether a missing person is in their custody, families and lawyers are turned away, left chasing signatures that never come.

As a result, according to rights watchdogs, the number of desaparecidos has climbed to 1,918 cases, from the administration of the late Ferdinand Marcos Sr. to that of his son, President Marcos.

## Protective writs

The law says families of the disappeared should have swift access to truth and protection, but reality says otherwise. Lawyer Maria Sol Taule recalled being denied entry to detention camps, refused the certifications mandated under the Anti-Enforced Disappearance Act, and made to wait months for courts to act on petitions that should be resolved in days.

“When we say this remedy should be very accessible, this should be also resolved very swiftly because we’re talking about lives and security of people. And under the law, these cases are summary in nature,” Taule said.

“When we say summary, it should be really very quick. And I guess, eight months or one year is not quick,” she said during a roundtable discussion organized by Karapatan in August. “There’s a lot of things that could happen to a person in one hour, what more in one month.”

In July, the Supreme Court convened focus groups to better understand the protective writs of amparo, habeas corpus, and habeas data for the families of the missing. The consultations were intended to obtain a “deeper understanding of the effectiveness and limitations of the protective writs.”

## Rare mainstream recognition

Last month’s Famas Awards briefly shone a light on this long-running crisis, when the documentary “Alipato at Muog,” which chronicled the 2007 abduction of farmer-activist Jonas Burgos, won Best Picture. It was a rare mainstream recognition for a story too often buried or branded “too subversive” by censors, who initially gave the film an X-rating before reclassifying it as R-16.

But for Jonas’ mother, Edita Burgos, the accolade offered scant comfort 18 years after her son was dragged away by a group of men at a mall in Quezon City on April 28, 2007. Based on witness accounts, Jonas, then 37, was heard shouting, “I am only an activist!”

“If only one were to extend his foot and stop the momentum of those who dragged him out, maybe they would not be able to take my son,” his mother said.

That a film must win an award to force a conversation on the missing is telling of how little has changed. The Burgos family’s ordeal spans three presidencies, multiple investigations, and countless promises of reform. But Jonas remains among the disappeared, his case and his fate an enduring mystery.

What is the value of a law if it cannot compel those in power to obey it? RA 10353 envisioned a Philippines where no one would be secretly taken, and if they were, their families would have immediate recourse to justice.

## Delays as a state tactic

Instead, delays have become a state tactic, allowing power-trippers to act with impunity while the clock runs out for the victims.

Congress must take action, not with another pointless or perfunctory hearing, but with real oversight and accountability measures that guarantee compliance with the law’s provisions. Courts, too, must stop treating petitions for amparo and habeas data as routine paperwork or administrative inconveniences but urgent pleas from families whose loved ones could still be saved. Finally, state forces must be reminded that each enforced disappearance is an indictment on a lawless military and police establishment.

It is only when Burgos, Salaveria, Jazmines and their fellow disappeared are found, when their families no longer have to mark birthdays in absentia or file petitions that gather dust, that the promise of RA 10353 can begin to achieve its purpose.

The government must not allow their names to fade into obscurity. To that end, the task ahead is difficult yet simple—to unearth the circumstances behind the victims’ abductions, however heinous, and unmask their captors, however powerful. Closure will come only when truth is uncovered and the perpetrators, long protected by delay and denial, are made to face justice.