

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE
S.B. No. 1061

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OFFICE OF THE SECRETARY

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RECEIVED BY: 

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

Motherhood is the most desired aspect of womanhood. Thus, the State ought to protect the life of the mother and the life of the unborn from conception. Therefore, mother and child bonding commences with the cutting of the umbilical cord. Parents are thus encouraged to spend quality time with their children particularly during infant years to ensure the child's physical, mental and emotional development. Moreover, studies on child development strengthened the fact that bonding between mother and child is crucial in all phases of his development. However, unfortunate incidents such as incarceration of the mother in penal institutions cause forced separation of the mother and child as society strongly criticizes the idea of letting female inmates keep newborns with them behind bars because it is widely believed that prison is not a safe place to raise children and the prison facilities could not enhance a child's life. Contrary to the general belief that a newborn should not be joined with the mother in prison, four (4) States in the United States, namely: Ohio, New York, Nebraska and Washington, have already opened prison nurseries. They observed that out of a dozen women who nursed children behind bars, none has returned to prison and that motherhood became a tool that keep women prisoners from committing more crimes.

This bill, therefore, seeks to establish the Correctional Nursery Program that shall provide prison nurseries with child care facilities for infants less than one (1) year of age in all Correctional Institutions for Women and provincial, city and municipal jails. Its main purpose is to promote the bonding of mother and child even when the mother is inside the prison cell, thus, enhance the reformation and rehabilitation of female inmates as various counseling activities are integrated in the Program. To ensure the safety of the child, inmates are screened for their eligibility to the Program, They shall be required to sign a written agreement detailing the rules and regulations for their compliance.

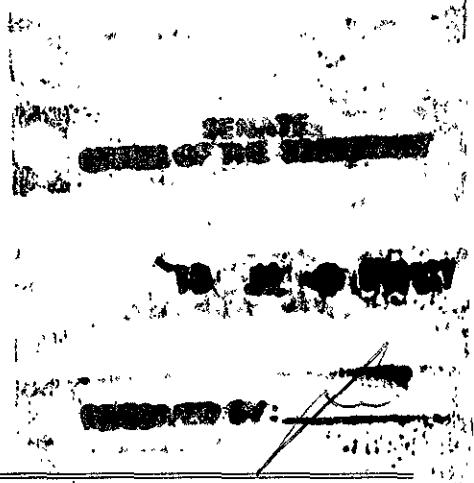
Considering that a mother's love and care play a vital part in the child's character, nature and disposition and in order to achieve that shall bring them back into the mainstream of society, a Correctional Nursery Program need to be established to allow them to keep their babies with them instead of entrusting them to relatives and government institutions. Hence, prison nurseries shall benefit the mother, the child and society as a whole.

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


MANNY VILLAR

FIFTEENTH CONGRESS OF THE)
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**AN ACT
ESTABLISHING A CORRECTIONAL NURSERY PROGRAM IN ALL
CORRECTIONAL INSTITUTIONS FOR WOMEN, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

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 "Correctional Nursery Act of 2010"

SEC. 2. Statement of Policy. - It is hereby declared the policy of the State to protect and promote the right to health and well-being of its people and ensure that their best interest is paramount in the formulation of its programs and policies. Towards this end, there is a need to provide and establish a Correctional Nursery Center for infants born from inmates in all Correctional Institutions for Women and female inmates at the provincial, city and municipal jails in the country.

SEC. 3. The Correctional Nursery Program. - There shall be established a Correctional Nursery Program, hereinafter referred to as the Program, administered and managed by the Bureau of Jail Management and Penology (BJMP) and the Bureau of Corrections to enable physically and psychologically fit inmates in all correctional institutions for women, including provincial, city and municipal jails in the country to keep their infants with them during incarceration until one (1) year of age. It shall likewise provide arrangements for incarcerated pregnant women with childbirth accommodations and medical care outside the correctional or prison facilities.

SEC. 4. Purposes of the Program. - The Correctional Nursery Program shall have the following purposes:

- a) Establish an Infant Care Center or nursery at a medium security correctional facility;
- b) Keep inmates from committing crimes while in custody through involvement in the various activities of the Program;
- c) Provide drug counseling services to those identified as substance abusers and educate incarcerated mothers on parenting skills and family relations;
- d) Evaluate, monitor and treat infants born to mothers with histories of substance abuse; and
- e) Increase the likelihood that released participants of the Program shall lead peaceful, productive and drug-free lives, thus, reduce recidivism.

SEC. 5. Infant Care Center. - The Program shall include the establishment and operation of an Infant Care Center within the premises of the Correctional Institution for Women and the provincial, city and municipal jails to take charge in the care of the infants during the incarcerated mother's absence. Provided, however, That upon

reaching the age of one (1), the child shall be removed from the Infant Care Center and the Superintendent of the Correctional Institution for Women shall make arrangements for the child to be delivered to the proper persons or institutions for his/her custody.

SEC. 6. Eligibility Requirements and Terms of Participation. – To be eligible to the benefits under this Act, incarcerated women must have the following qualifications:

- a) Pregnant or has a child less than one (1) year old at the time she is delivered into the custody of the Correctional Institution for Women;
- b) Gives birth on or after the implementation of the Program;
- c) Physically and mentally fit and must not have a violent record;
- d) Execute a written agreement to abide with the following:
 - 1) Comply with any educational, counseling or other requirements established for the Program by the Correctional Institution for Women;
 - 2) Accept the normal risks of child bearing;
 - 3) Abide by any court decisions with respect to parental rights and responsibilities on the child;
 - 4) Assign to the Correctional Institution for Women her right to support from any other person; and
 - 5) Specify with whom the child is to be placed in the event of her termination from the Program by reason other than release from imprisonment; and
 - 6) Other internal regulations imposed by the correctional institution.

SEC. 7. Birth and Care of Infants of Eligible Inmates. - Within a reasonable time before the anticipated birth of the child, the Superintendent of the Correctional Institution for Women and the Warden of the Provincial, City and Municipal Jails shall cause the mother-inmate to be removed from the correctional facilities and jail premises, as the case may be, shall be provided with accommodations and medical care outside the institution, under the strict supervision and security to prevent her escape from custody.

SEC. 8. Termination from the Program. - The eligible detainee described under Section 6 hereof may be terminated from the Program on the following grounds:

- a) Failure to comply with the written agreement under Section 6 (d) hereof;
- b) The inmate's child becomes seriously ill, failure of the mother to meet the medical criteria established by the institution for the Program, cannot safely participate in the program or has a violent record;
- c) Court order granting custody of the child to a person other than the inmate;
- d) Court order granting shared parenting of the child;
- e) Court order granting temporary, permanent or legal custody of the child to a person other than the inmate or to the Department of Social Welfare and Development (DSWD); and
- f) Mother-inmate is released from imprisonment;

SEC. 9. Correctional Nursery Center Fund. In addition to the appropriations provided for under this Act, the Director of the Bureau of Jail Management and Penology (BJMP) is hereby authorized to accept grants, gifts and other monetary donations from nongovernment or civic organizations and private individuals to defray the necessary expenses incurred by or for the mother in connection with her confinement or other related expenses during her pregnancy. The Fund shall likewise be utilized for financial assistance to the mother-participants upon their release.

SEC. 10. Appropriations. - The amount necessary to carry out. The provisions of this Act shall be included in the General Appropriations Act of the year following its

enactment into law and thereafter. An initial amount of Fifty (50) Million Pesos shall be allocated for the first year of its implementation.

SEC. 11. Implementing Rules and Regulations. - The Bureau of Jail Management and Penology (BJMP), in coordination with the Correctional Institution for Women, the Department of Justice (DOJ), the Department of Health (DOH) and the Department of Social Welfare and Development (DSWD) shall, within thirty (30) days from the effectivity of this Act, issue such rules and regulations necessary for the proper implementation of the provisions of this Act.

SEC. 12. Repealing Clause. - All laws, rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 13. Separability Clause. - If any part, section or provision of this Act shall be held invalid or unconstitutional, no other part, section or provisions thereof shall be affected thereby.

SEC. 14. Effectivity. - This Act shall take effect after fifteen (15) days following its complete publication in at least two (2) newspapers of general circulation.

Approved,