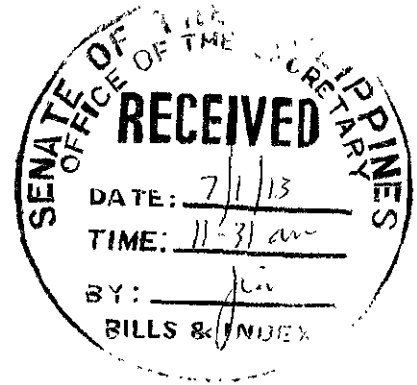


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )



SENATE  
S. B. NO. 81

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Introduced by Senator Maria Lourdes Nancy S. Binay


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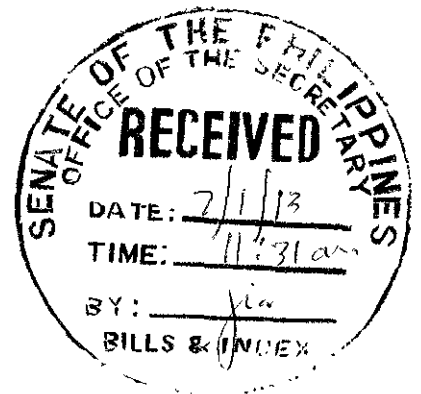
EXPLANATORY NOTE

The deprivation of liberty due to the commission of a crime affects not only the person incarcerated but also the person's family. This holds true, even more so for solo parents who, by reason of their incarceration, are forced to leave their children. In consideration of the foregoing, the proposed bill aims to establish mechanisms which shall assist imprisoned solo parents in the performance of their parental and child-rearing obligations.

While present bills on the matter only highlight mothers who may be put into custody, the proposed bill aims to remove the distinction between a mother and father, and aims to level the playing field by allowing even single fathers from availing of the benefits of the act. Moreover, the impression that placement opportunities shall be a condition precedent to acceptance of a plea of guilty shall be removed, in order not to impede the duty of the State to prosecute criminal actions.

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

  
MARIA LOURDES NANCY S. BINAY  
Senator



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Introduced by Senator Maria Lourdes Nancy S. Binay

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1 AN ACT CREATING PROGRAMS FOR INCARCERATED PARENTS AND THEIR  
2 CHILDREN  
3

4 *Be it enacted by the Senate and House of Representatives of the Philippines in*  
5 *Congress assembled:*  
6

7 **SECTION 1.** *Title.* – This Act shall be known as “*Parents in Jail Act of 2013.*”  
8

9 **SECTION 2.** *Declaration of Policy.* – It is hereby declared the policy of the State that:  
10

- 11 (1) The State shall defend the rights of children to special protection from all forms of  
12 neglect and other conditions prejudicial to their development;  
13  
14 (2) The State recognizes that all persons deprived of their liberty shall be treated  
15 humanely and shall enjoy all the rights guaranteed to free persons, subject to the  
16 restrictions that are unavoidable in a closed environment;  
17  
18 (3) The State shall promote stable and solid relationships between children and parents,  
19 who are their primary care-givers and support incarcerated parents to develop and  
20 maintain their relationship with their children;  
21  
22 (4) The State shall assure the right of the child to express his views freely in all matters  
23 affecting him, the views of the child being given due weight in accordance with his  
24 age and maturity.  
25

26 **SECTION 3.** *Apprising Incarcerated Parents of Their Parental Rights.* – In cases involving  
27 incarcerated parents, the court must give an appropriate warning of the special consequences  
28 concerning the parental rights of the accused that may result from a plea of guilty or  
29 conviction, especially the loss of parental authority.  
30

31 **SECTION 4.** *Placement and Guardianship Options.* -- After arraignment and upon plea of  
32 guilty, the court shall inquire from the accused if the latter has any minor children and in  
33 whose custody the minor children are. In the event that the accused has minor children, the  
34 court shall *motu proprio* direct a social worker or a representative of the Department of  
35 Social Welfare and Development, to confer with the accused to discuss various options  
36 available to the latter, in relation to the care and custody of his or her minor children. A

1 compliance report, duly signed by the accused, shall thereafter be submitted to the court,  
2 attesting that options have been discussed and the selected option, if any.  
3 Should the accused be unable to place his minor children under the care of a responsible  
4 adult, the minor children shall be placed under the care of the following persons, in the order  
5 indicated:

- 6
- 7 1. Surviving grandparent;
- 8 2. Oldest brother or sister, over twenty-one (21) years of age, unless unfit or  
9 disqualified;
- 10 3. Any collateral relative of the accused, over twenty-one (21) years of age, and  
11 within the fourth civil degree of consanguinity or affinity of the minor  
12 children; and
- 13 4. The Department of Social Welfare and Development.
- 14

15 **SECTION 5. *Coordinating Body.*** – A coordinating body comprised of representatives from  
16 the Department of Justice, the Bureau of Corrections, the Department of Social Welfare and  
17 Development, and the Department of Health shall be established, for purposes of  
18 implementing the provisions of this Act. Such body shall:

- 19
- 20 a. Formulate the necessary rules and regulations for the effective implementation of this  
21 Act;
- 22
- 23 b. Provide for specific procedures for the placement of children of the accused or for  
24 infants born to women already incarcerated in state prisons; and
- 25
- 26 c. Establish programs designed to provide counseling, health and other social services to  
27 the incarcerated parents and their children. Mothers' and children's (those under one  
28 (1) year old and still staying with their mother) access to health care services and  
29 medicines, including reproductive health care and medical attention, gynecological  
30 and pediatric services shall be assured by the institution where parent and child are  
31 detained.
- 32

33 **SECTION 6. *Child-Friendly Visitation Programs.*** – The prison facilities shall establish  
34 child-friendly visitation opportunities for solo parents and children. A special visitation room  
35 for solo parents and children shall be provided for this purpose.

36

37 **SECTION 7. *Independent Monitoring.*** – Frequent access to prisons shall be granted to  
38 relevant institutions such as the Commission on Human Rights, human rights non-  
39 governmental organizations, and international organizations. The Coordinating Body shall  
40 assign persons to conduct independent monitoring of the various prison facilities. Such  
41 persons conducting monitoring tasks shall be allowed to make periodic and unannounced  
42 visits to the premises and speak in private with imprisoned solo parents and their children.

43

44 **SECTION 8. *Appropriations.*** – The amount necessary to carry out the provisions of this Act  
45 is hereby authorized to be appropriated in the budget of the Department of Social Welfare  
46 and Development and included in the General Appropriations Act of the year following the  
47 enactment of this law and every year thereafter.

48

1 **SECTION 9. *Separability Clause.*** – If any portion or provision of this Act is declared void  
2 and unconstitutional, the remaining portions or provisions hereof shall not be affected by  
3 such declaration.

4  
5 **SECTION 10. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations, other  
6 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or  
7 modified accordingly.

8  
9 **SECTION 11. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its  
10 complete publication in at least two (2) national newspapers of general circulation.

Approved,