

**EIGHTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**
First Regular Session



Senate
Office of the Secretary

20 FEB 13 P2:47

SENATE
S.B. NO. 1344

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Introduced by Senator Maria Lourdes Nancy S. Binay

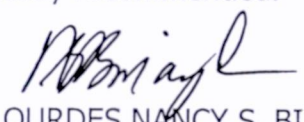
AN ACT
CREATING PROGRAMS FOR INCARCERATED PARENTS AND THEIR
CHILDREN

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 forgoing, 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 guilt 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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**AN ACT
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CHILDREN**

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

1 Section 1. *Title.* – This Act shall be known as "*Parents in Jail Act of 2019.*"

2
3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State
4 that:

5
6 (1) The State shall defend the rights of children to special protection from
7 all forms of neglect and other conditions prejudicial to their
8 development;

9
10 (2) The State recognizes that all persons deprived of their liberty shall be
11 treated humanely and shall enjoy all the rights guaranteed to free
12 persons, subject to the restrictions that are unavoidable in a closed
13 environment;

14
15 (3) The State shall promote stable and solid relationships between children
16 and parents, who are their primary care-givers and support incarcerated
17 parents to develop and maintain their relationship with their children;

1 The State shall assure the right of the child to express his views freely in
2 all matters affecting him, the views of the child being given due weight in
3 accordance with his age and maturity.
4

5 Sec. 3. *Apprising Incarcerated Parents of Their Parental Rights.* – In cases
6 involving incarcerated parents, the court must give an appropriate warning of the
7 special consequences concerning the parental rights of the accused that may
8 result from a plea of guilty or conviction, especially the loss of parental authority.
9

10 Sec. 4. *Placement and Guardianship Options.* – After arraignment and
11 upon plea of guilty, the court shall inquire from the accused if the latter has any
12 minor children and in whose custody the minor children are. In the event that
13 the accused has minor children, the court shall *motu proprio* direct a social
14 worker or a representative of the Department of Social Welfare and
15 Development, to confer with the accused to discuss various options available to
16 the latter, in relation to the care and custody of his or her minor children. A
17 compliance report, duly signed by the accused, shall thereafter be submitted to
18 the court, attesting that options have been discussed and the selected option, if
19 any.

20 Should the accused be unable to place his minor children under the care
21 of a responsible adult, the minor children shall be placed under the care of the
22 following persons, in the order indicated:
23

- 24 1. Surviving grandparent;
- 25 2. Oldest brother or sister, over twenty-one (21) years of age, unless unfit or
26 disqualified;
- 27 3. Any collateral relative of the accused, over twenty-one (21) years of age,
28 and within the fourth civil degree of consanguinity or affinity of the minor
29 children; and
- 30 4. The Department of Social Welfare and Development.

1 Sec. 5. *Coordinating Body.* – A coordinating body comprised of
2 representatives from the Department of Justice, the Bureau of Corrections, the
3 Department of Social Welfare and Development, and the Department of Health
4 shall be established, for purposes of implementing the provisions of this Act.
5 Such body shall:

6
7 a. Formulate the necessary rules and regulations for the effective
8 implementation of this Act;

9
10 b. Provide for specific procedures for the placement of children of the
11 accused or for infants born to women already incarcerated in state
12 prisons; and

13
14 c. Establish programs designed to provide counseling, health and other
15 social services to the incarcerated parents and their children. Mothers'
16 and children's (those under one (1) year old and still staying with their
17 mother) access to health care services and medicines, including
18 reproductive health care and medical attention, gynecological and
19 pediatric services shall be assured by the institution where parent and
20 child are detained.

21
22 Sec. 6. *Child-Friendly Visitation Programs.* – The prison facilities shall
23 establish child-friendly visitation opportunities for solo parents and children. A
24 special visitation room for solo parents and children shall be provided for this
25 purpose.

26
27 Sec. 7. *Independent Monitoring.* – Frequent access to prisons shall be
28 granted to relevant institutions such as the Commission on Human Rights,
29 human rights non-governmental organizations, and international organizations.
30 The Coordinating Body shall assign persons to conduct independent monitoring

1 of the various prison facilities. Such persons conducting monitoring tasks shall be
2 allowed to make periodic and unannounced visits to the premises and speak in
3 private with imprisoned solo parents and their children.

4
5 Sec. 8. *Appropriations.* – The amount necessary to carry out the
6 provisions of this Act is hereby authorized to be appropriated in the budget of
7 the Department of Social Welfare and Development and included in the General
8 Appropriations Act of the year following the enactment of this law and every year
9 thereafter.

10
11 Sec. 9. *Separability Clause.* – If any portion or provisions of this Act is
12 declared void and unconstitutional, the remaining portions or provisions hereof
13 shall not be affected by such declaration.

14
15 Sec. 10. *Repealing Clause.* – All laws, decrees, orders, rules and
16 regulations, other issuances, or parts thereof inconsistent with the provisions of
17 this Act are hereby repealed or modified accordingly.

18
19 Sec. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
20 after its complete publication in at least two (2) national newspapers of general
21 circulation.

Approved,