



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
3rd Regular Session

House Bill No. 6692

Introduced by Representative Maria Evita R. Arago

EXPLANATORY NOTE

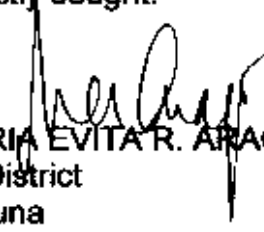
The incarceration of parents affects the emotional, psychological and financial development of a child who is forced to be separated from their parents. Incarcerated mothers and their children are especially affected because the mothers are known as the primary nurturer and carer of their children. The loss of parental care especially the severance of maternal bond because of incarceration will have long term effects for the affected children and our society. This bill wherein a similar version has been filed by Senator Miriam Defensor Santiago in the Senate seeks to mitigate the adverse effects of the separation between the incarcerated mother and their children.

Our Constitution in Article 11, Section 12 states that:

"The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution."

Efforts should be made to protect family life despite of difficult circumstances by providing specific provisions on the placement of children of incarcerated women, establishing programs for health and social services for incarcerated parents and their children and providing child friendly visitation programs.

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


MARIA EVITA R. ARAGO
3rd District
Laguna

HOUSE OF REPRESENTATIVES

H.B. No. 6692

Introduced by Representative Maria Evita R. Arago

AN ACT

CREATING PROGRAMS FOR INCARCERATED MOTHERS AND THEIR CHILDREN

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

1 SECTION 1. *Short Title.* - This Act shall be known as the "Mothers in Jail Act."

2
3 SECTION 2. *Declaration of Policy.* -

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5 (A) The State recognizes that all persons deprived of their liberty shall be treated
6 with humanity and shall enjoy all the rights guaranteed to free persons, subject to
7 the restrictions that are unavoidable in a closed environment.

8 (B) The State shall promote stable and solid relationships between children and their
9 primary care-giver and support incarcerated parents to develop and maintain
10 their relationship with their children.

11 (C) In all actions concerning children, whether undertaken by public or private social
12 welfare institutions, courts of law, administrative authorities or legislative bodies,
13 the best interest of the child shall be the primary consideration.

14 (D) The State shall assure to the child who is capable of forming his or her own
15 views the right to express those views in all matters affecting the child, the views
16 of the child being given due weight in accordance with the age and maturity of
17 the child.

18
19 SECTION 3. *Apprising Custodial Parents of their Parental Rights.* - In cases involving
20 custodial parents, the court must give an appropriate warning of the special
21 consequences for a defendant's parental rights that may result from a plea of guilty or
22 conviction.

23
24 SECTION 4. *Placement and Guardianship Options.* - The court shall provide the
25 defendant with a reasonable amount of time to appropriately attend to the needs of his
26 or her minor children for safe and appropriate care prior to accepting a guilty plea. The
27 court in coordination with the Department of Social Welfare and Development shall
28 explain the various options available to the defendants.

29
30 SECTION 5. *Coordinating Body.* - A coordinating body comprised of representatives
31 from the Department of Justice, the Bureau of Corrections, the Department of Social
32 Welfare and Development, and the Department of Health shall be established. Such
33 body shall:

34
35 (A) Formulate the necessary rules and regulations for the effective implementation of
36 this Act.

37 (B) Provide for specific procedures for the placement of children of defendants or for
38 infants born to women already incarcerated in state prisons.

39 (C) Establish programs designed to provide counselling, health and other social
40 services to the incarcerated parents and their children. Mothers' and children's

(those under one year old and still staying with their mother) access to health care services and medicines, including reproductive health care and medical attention, gynaecological and pediatric services, shall be assured by the institution where parent and child are detained.

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

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

SECTION 8. *Appropriations.* – The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following the enactment of this law and every year thereafter.

SECTION 9. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

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

Approved,