

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8224



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

The humble intent of this bill is to protect children of incarcerated parents from all forms of neglect and development problems, as the State must defend the rights of children and treat humanely all persons deprived of their liberty. It proposes placement and guardianship options for the minor children of the accused, specifying the persons the minor children are allowed to be placed under the care of. The bill also proposes child-friendly visitation programs for solo parents and children and establishment of special visitation rooms for this purpose.

Solo parents, who are for some reason incarcerated, are forced to leave their children behind. This hinders the growth and development of the otherwise innocent child. The bill aims to establish mechanisms in order to help solo parents raise their children regardless of their circumstance.

The approval of this bill is earnestly sought.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT
CREATING PROGRAMS FOR INCARCERATED PARENTS AND THEIR
CHILDREN

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 "Parents in Jail Act of 2018".

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

- (1) The State shall defend the rights of children to special protection from all forms of neglect and other conditions prejudicial to their development;
- (2) The State recognizes that all persons deprived of their liberty shall be treated humanely and shall enjoy all the rights guaranteed to free persons, subject to the restrictions that are unavoidable in a closed environment;
- (3) The State shall promote stable and solid relationships between children and parents, who are their primary caregivers and support incarcerated parents to develop and maintain their relationship with their children;

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

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

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

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

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

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

- a. Formulate the necessary rules and regulations for the effective implementation of this Act;
- b. Provide for specific procedures for the placement of children of the accused or for infants born to women already incarcerated in state prisons; and
- c. Establish programs designed to provide counseling, health and other social services to the incarcerated parents and their children. Mothers' and children's (those under one (1) year old and still staying with their mother) access to health care services and medicines, including reproductive health care and medical attention, gynecological 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 solo parents and children. A special visitation room for solo parents and 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-governmental 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 solo parents 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 budget of the Department of Social Welfare and Development and included un the General Appropriations Act of the year following the enactment of this law and every year thereafter.

SECTION 9. *Separability Clause.* – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

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

SECTION 11. *Effectivity Clause.* – This Act shall take effect in fifteen (15) days after publication in the Official Gazette or in one (1) newspaper of general circulation in the Philippines.

Approved,