

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **8106**



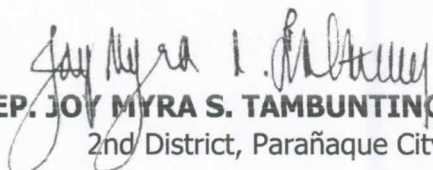
Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

This measure seeks to give the opportunity to incarcerated parents to build stable and solid relationships with their children. This is proposed in recognition of rights of children to special protection from all forms of neglect and other conditions prejudicial to their development. Under this measure, incarcerated parents are to be given various options concerning the care and custody of his or her minor children. This measure also provides that prison facilities shall establish child-friendly visitation opportunities for solo parents and children. This includes the creation of special visitation rooms. This measure shall also establish programs for the provision of counseling, health and other social services to the incarcerated parents and their children.

While there are similar proposed measures to this, most of these cater the needs of incarcerated mothers in relation to child-rearing. Considering this, this measure is proposed to remove the distinction between a mother and a father among incarcerated parents, so that solo fathers may also be able to access the privileges provided by this Act.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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Introduced by **HON. JOY MYRA S. TAMBUNTING**

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 2020."

Sec. 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 care-givers 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 in the General Appropriations Act of the year following the enactment of this law and every year thereafter.

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

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

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

Approved,