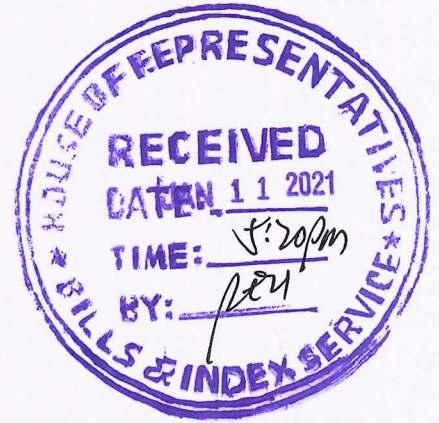


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8327



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Deprivation of liberty does not only affect the individual. It also has effects on the people in his/her life. The consequences are more apparent for incarcerated solo parents and their young children. There is a tendency for children with incarcerated parents to live with inadequate parental support that may affect their character development and make them vulnerable to other risks.

This bill recognizes such a complicated situation for both single mothers and fathers deprived of liberty. As such, this measure provides for the establishment of programs that would assist incarcerated parents in performing their parental responsibilities and lessen the negative consequences of separation. These include the provision of health and social care for incarcerated parents and their children, child-friendly visitation mechanisms, and proper placement of affected children. In general, this bill reinforces the acknowledgment of the rights of persons deprived of liberty.

Given the foregoing, urgent approval of this bill is earnestly sought.



MANUEL DG. CABOCHAN III

Representative

Magdalo Para Sa Pilipino Party-List

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AN ACT
CREATING PROGRAMS FOR INCARCERATED PARENTS AND THEIR CHILDREN

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

1 SECTION 1. *Short Title.*— This Act shall be known as the “*Parents in Jail Act.*”

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

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

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

11 (3) The State shall promote stable and solid relationships between children
12 and parents, who are their primary caregivers and support incarcerated
13 parents to develop and maintain their relationship with their children; and

1 (4) The State shall assure the right of the child to express his views freely in
2 matters affecting him, the views of the child being given due weight under
3 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 result
8 from a plea of guilty or conviction, especially the loss of parental authority.
9

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

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

23 (1) Surviving grandparent;

24 (2) Oldest brother or sister, over twenty-one (21) years of age, unless unfit or
25 disqualified;

26 (3) Any collateral relative of the accused, over twenty-one (21) years of age,
27 and within the fourth civil degree of consanguinity or affinity of the minor
28 children; and

29 (4) The Department of Social Welfare and Development.
30

31 Sec. 5. *Coordinating Body.*— A coordinating body comprised of representatives
32 from the Department of Justice, the Bureau of Corrections, the Department of Social

Welfare and Development, and the Department of Health shall be established, to implement the provisions of this Act. Such body shall:

(1) Formulate the necessary rules and regulations for the effective implementation of this Act;

(2) Provide for specific procedures for the placement of children of the accused or infants born to women already incarcerated in state prisons; and

(3) 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 playing 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.

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

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

8
9 Sec. 11. *Effectivity Clause.*— This Act shall take effect fifteen (15) days after its
10 complete publication in any national newspaper of general circulation.

Approved,