

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10414



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

EXPLANATORY NOTE

Article II, Section 11 of the 1987 Constitution affirms that the State values the dignity of every person and guarantees full respect for human rights. The State should recognize the inherent rights of incarcerated individuals while inside detention and prison facilities and provide the most adequate and humane treatment. However, for vulnerable groups such as women, they are at much risk of abuses and other human rights violations while inside prisons. Further, many detention centers for women remain overcrowded than male detention centers.¹

As of March 2021, the Correctional Institute for Women (CIW) managed by the Bureau of Corrections (BuCor) have reported a total of 3,364 prisoners in their custody, which have already exceeded their 1,500-maximum capacity.² Likewise, the special needs of pregnant women and nursing mothers inside prisons are often ignored. They are often deprived from their maternal duty to nurture and protect their child's rights. The extreme conditions in the country that women prisoners are subjected in may lead to both physical and mental health problems.

¹ Rappler. What you should know about women prisoners in the Philippines. Information retrieved from <https://www.rappler.com/newsbreak/iq/things-to-know-women-prisoners-philippines>. Dated March 12, 2021

² Ibid.

This bill seeks to safeguard the rights of women inside detention and prison facilities and provide the policy framework thereof. It shall ensure the following: (a) right to access to preventive healthcare; (b) right of pregnant women against restraint; (c) right to stay with their infant children in infirmaries inside correctional facilities; (d) right against punishment by close confinement or disciplinary segregation; and (e) right to legal assistance in filing complaints.

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



MANUEL DG. CABOCHAN III

Representative

Magdalo Para Sa Pilipino Party-List

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

AN ACT
DEFINING THE RIGHTS OF WOMEN DEPRIVED OF LIBERTY IN JAILS AND
CORRECTIONAL FACILITIES AND PROVIDING FUNDS FOR THEIR
ENFORCEMENT

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 “Dignity for Women
2 Deprived of Liberty Act”.

3
4 Sec. 2. Declaration of Policy.— It is hereby declared the policy of the State to
5 safeguard the basic rights of every person deprived of liberty, considering the
6 distinctive needs of women, and to promote their health, security, dignity, and general
7 welfare.

8
9 Sec. 3. Definition of Terms.— As used in this Act, the following term shall
10 mean:

11 (a) *Woman Deprived of Liberty* refers to a woman detainee, inmate, or
12 prisoner, or other women under confinement or custody in any other

manner. However, in order to prevent labeling, branding or shaming by the use of these or other derogatory words, this new and neutral shall be used in accordance with Article 10 of the International Covenant on Civil and Political Rights (ICCPR);

(b) *Jails And Correctional Facilities* shall cover every municipal, city, and district jails under the jurisdiction of the Bureau of Jail Management and Penology (BJMP); the various provincial jails under their respective provincial governments; and the correctional facilities under the jurisdiction of the Bureau of Corrections, which are charged with the custody or reformation of women deprived of liberty incarcerated therein;

(c) *Jail And Correctional Facility Employee* shall refer to any person employed by a jail or correctional facility, which includes, but is not limited to, the uniformed personnel of the Bureau of Jail management and Penology as enumerated in Section 12 of Republic Act No. 9263 and the uniformed personnel of the Bureau of Corrections as enumerated in Section 19 of Republic Act No. 10575;

(d) *Healthcare Products* include the following:

- (1) Feminine hygiene products such as sanitary napkins, panty liners, and tampons;
- (2) Soap; and
- (3) Any other healthcare product that the jail or correctional facility deems appropriate, as identified, or recommended by a gynecologist or a healthcare professional.

(e) *Infant Children* refer to children of women deprived of liberty of the age of zero to twelve (0-12) months old; and

(f) *State of Undress* refers to not dressed or not fully dressed.

Sec. 4. *Right to Health Care.*—

(a) *Right to Preventive Health Care.* – It shall be the right of every woman deprived of liberty to be provided with proper preventive health care. This includes;

1 (1) regular preventive medical examination, especially with a
2 gynecologist or obstetrician,
3 (2) regular sunning (sun exposure) and exercise, and;
4 (3) provision of dietary supplements for pregnant, lactating, elderly and
5 menstruating women. The supplements shall be provided at no cost
6 and shall be determined by a gynecologist, or by an obstetrician for
7 pregnant women.

8 (b) *Right to Health Care Products.* – It shall be the right of a woman deprived
9 of liberty to be provided health care products. Thus, a jail or correctional
10 facility shall make available health care products to each woman deprived of
11 liberty at no cost to the woman without need for a medical referral. A jail or
12 correctional facility may not require that a woman deprived of liberty be
13 diagnosed with an illness in order to access health care products; and

14 (c) *Right to Medical Examination and Treatment.* – It shall be the right of a
15 woman deprived of liberty to be examined or treated for an illness. In case
16 a woman deprived of liberty requests that she be examined or treated by a
17 woman physician or nurse, a woman physician or nurse shall be made
18 available, to the extent possible, except for situations requiring urgent
19 medical intervention. If a male physician or nurse undertakes the
20 examination contrary to the wishes of the woman deprived of liberty, a
21 woman staff member shall be present during the examination.

22
23 *Sec. 5. Right of Pregnant Women Against Restraint.*— It shall be the right of a
24 pregnant woman deprived of liberty not to be restrained, in any manner, during
25 medical examinations, transport to hospital to give birth, during labor, and
26 immediately after birth.

27
28 *Sec. 6. Right to Stay with their Infant Children in Infirmaries Inside Correctional*
29 *Facilities.*— It shall be the right of a woman deprived of liberty to stay with her infant
30 child in infirmaries located inside correctional facilities, until the infant child shall have
31 attained the age of one (1) year old. The woman deprived of liberty shall undergo
32 postpartum care to ensure physical and mental health and wellness. After the child

1 has attained one (1) year of age, the child may stay with the mother deprived of
2 liberty inside correctional facility if it is advantageous to both the mother and the
3 child, as recommended by the medical officer of the correctional facility or a by a
4 competent health professional and a social worker. Otherwise, the child shall be
5 placed under the care of relatives or in an orphanage if no relative would come to
6 take care of the child.

7
8 In case the child of a woman deprived of liberty be placed under the care of
9 relatives or in an orphanage, the Social Welfare Officer shall see to it that the child
10 shall have continuous communication with and periodical visits to the mother deprived
11 of liberty.

12
13 *Sec. 7. Right Against Punishment by Close Confinement or Disciplinary*
14 *Segregation.*— It shall be the right of a woman deprived of liberty who is pregnant,
15 has an infant child, or is a breastfeeding mother not to be punished by close
16 confinement or disciplinary segregation.

17
18 *Sec. 8. Right to Legal Assistance in Filing Complaints.*— It shall be the right of
19 a woman deprived of liberty to be provided legal assistance in filing administrative
20 and/or criminal complaints against any jail or correctional facility employee or fellow
21 person deprived of liberty who have committed rape, sexual harassment or physical
22 and mental abuses against them. During the process, the complaining woman
23 deprived of liberty shall be protected from any kind of mental and physical torture,
24 threats, ill treatments and other possible harm from any party and shall be provided
25 immediate medical assistance.

26
27 All administrative complaints must be acted upon with dispatch, prompt and
28 impartial investigation and findings must be submitted to the respective
29 Superintendent in charge of the jail or correctional facility within forty-eight (48) hours
30 from receipt of the complaint or any incident report. Thereafter, the Superintendent
31 shall, within twenty-four (24) hours, make the appropriate administrative action
32 against the guilty jail or correctional facility personnel.

1
2 *Sec. 9. Restrictions on Male Employees of Jails and Correctional Facilities.—*

3 (a) A male jail or correctional facility employee may not conduct a pat-down
4 search or body cavity search on a woman deprived of liberty unless the
5 woman presents an immediate risk of harm to herself or others and a female
6 jail or correctional facility employee is not available to do the search. No
7 woman deprived of liberty shall be required to strip completely during the
8 search;

9 (b) Alternative screening methods, such as scans, shall be developed to replace
10 strip searches and invasive body searches, in order to avoid the harmful
11 psychological and possible physical impact of invasive body searches;

12 (c) A male jail or correctional facility employee shall announce his presence
13 upon entering a cell or housing unit for women deprived of liberty; and

14 (d) A male jail or correctional facility employee may not enter an area of the jail
15 or correctional facility in which woman deprived of liberty may be in a state
16 of undress or an area where a woman deprived of liberty- in a state of
17 undress may be viewed, including, but not limited to, restrooms, shower
18 areas, and medical treatment areas. If a female jail or correctional facility
19 employee is not available or if a female jail or correctional facility employee
20 requires assistance, a male jail or correctional facility employee may enter
21 such area only in the event of a medical emergency or if a woman deprived
22 of liberty presents an immediate risk of harm to herself or others.

23
24 *Sec. 10. Separate Prison Cell and Facilities.—* Women deprived of liberty shall,
25 at all times, be held separately from men deprived of liberty. For this purpose,
26 separate cells and facilities for women shall form part of the standard design in the
27 construction and improvement of jails and correctional facilities; Provided, That in
28 institutions which presently receives both men and women deprived of liberty, there
29 shall be a section or part allocated exclusively for women deprived of liberty.

30
31 *Sec. 11. Control and Supervision of Jails and Correction Facilities with Women*
32 *Deprived of Liberty.—* In institutions having both men and women deprived of liberty,

1 the section or part set aside for women deprived of liberty shall be under the authority
2 of a woman prison officer who shall have control and supervision of such section.

3
4 Sec. 12. *Hiring and Training of Additional Women Prison Personnel.*— To ensure
5 the effective implementation and to carry out the full intent of this Act, the jails under
6 the jurisdiction of the Bureau of Jail Management and Penology and the provincial
7 governments, and the correctional facilities under the jurisdiction of the Bureau of
8 Corrections, are hereby mandated to maintain the women custodial personnel-to-
9 women deprived of liberty ratio of 1:7 and women reformation personnel-to-women
10 deprived of liberty ratio of 1:24. All staff assigned to work with women deprived of
11 liberty shall receive training relating to the gender-specific needs and human rights of
12 women deprived of liberty.

13
14 Sec. 13. *Appropriations.*— The amount needed for the initial implementation
15 of this Act insofar as it refers to the municipal, city, and district jails and to correctional
16 facilities shall be taken from the current year's appropriations for the Bureau of Jail
17 Management and Penology and Bureau of Corrections respectively. Thereafter, such
18 sums as may be necessary for its continued implementation shall be included in the
19 annual General Appropriations Act.

20
21 The provincial governments shall be responsible for appropriating the
22 necessary amount needed for the implementation of this Act with regard to the
23 provincial jails.

24
25 Sec. 14. *Implementing Rules and Regulations.*— The Secretary of Justice and
26 the Secretary of Interior and Local Government shall within ninety (90) days from the
27 effectivity of this Act, promulgate the rules and regulations to effectively implement
28 the provisions of this Act.

29
30 Sec. 15. *Separability Clause.*— If any portion or provision of this Act is
31 subsequently declared invalid or unconstitutional, other provisions hereof which are
32 not affected thereby shall remain in full force and effect.

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Sec. 16. *Repealing Clause.*— All other laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations, or parts thereof which are contrary to or inconsistent with any of the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 17. *Effectivity.*— This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,