



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5441



Introduced by **HONORABLE ERNESTO "ERNIX" M. DIONISIO, JR.**

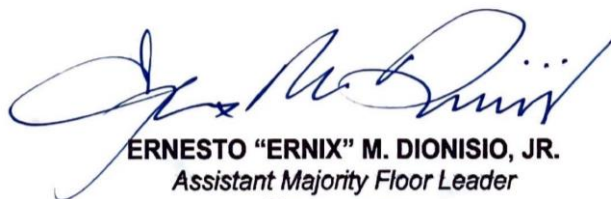
AN ACT
CREATING PROGRAMS FOR INCARCERATED PARENTS AND THEIR
CHILDREN

EXPLANATORY NOTE

One of the unfortunate consequences of convictions is the possible effect it might have on the family of the person incarcerated, most particularly on their children. There is also the possibility that the person incarcerated is the sole parent or care provider of the child, leaving the latter vulnerable.

Considering this, this proposed bill ensures that children are not left without a primary guardian or caregiver on the off chance that their provider is incarcerated. This proposed measure also ensures that imprisoned parents are not remiss in the performance of their obligations to their children.

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



ERNESTO "ERNIX" M. DIONISIO, JR.
Assistant Majority Floor Leader
Congressman
First Congressional District of Manila



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5441

Introduced by **HONORABLE ERNESTO “ERNIX” M. DIONISIO, JR.**

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. Declaration of Policy. – It is hereby the declared policy of the State to ensure that the rights of children of persons deprived of liberty are protected from all forms of neglect that will be detrimental to their development. It shall also be the policy of the State to enact measures that will protect the bond between parent and child, despite incarceration.

SECTION. 2. 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 3. Placement and Guardianship. – After arraignment and upon a 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. If 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 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 fit 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 procedure 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 incarcerated parents and their children. Mother's 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 implement 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.

SECTION 9. Separability Clause. – If any provision or provision of this Act is declared unconstitutional or invalid, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

SECTION 10. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, 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 from the date of its publication in the Official Gazette or in a newspaper of general circulation.

Approved,