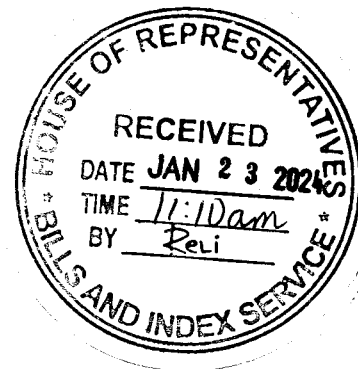


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

NINETEENTH CONGRESS

Second Regular Session

House Bill No. **9817**



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INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,  
JOCELYN P. TULFO, AND ERWIN T. TULFO

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**AN ACT CREATING PROGRAMS FOR INCARCERATED PARENTS  
AND THEIR CHILDREN**

**EXPLANATORY NOTE**

Baby River was born underweight, a characteristic attributed to the lack of prenatal care her mother received in prison. At barely six weeks old, she was separated from her mother, which inadvertently caused her health to deteriorate and eventually led to her death. Likewise, Baby Diona's death after two days from being born was attributed to her mother's inability to receive essential medical care in detention, which caused her to develop many health issues at birth. The cases of Baby River and Baby Diona exhibited the absence of necessary mechanisms to guarantee the safety and rights of both parent and child in the chance of parental incarceration.<sup>1</sup>

The mental health of incarcerated parents is also negatively impacted by the separation from their children. In a study published in the *Philippine Social Science Journal*, inmates in Iloilo City District Jail, particularly mothers, have expressed the fear and anxiety caused by physical separation from their children and their inability to express their love and affection towards their offspring.<sup>2</sup> Likewise, inmates displayed utmost uncertainty when hearing the news regarding their children's well-being, usually expressing regret that they could not support and care for their sick children.<sup>3</sup>

The United Nations Convention on the Rights of the Child (CRC) states in its Preamble the need for special safeguards and care, including legal protection, before and after birth of a child. The CRC further emphasizes in Articles 20 and 27 the role of the State in ensuring the continued upbringing and the "proper physical, mental, spiritual, moral and social development" of children whose parents have difficulty in

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<sup>1</sup> Commission On Human Rights. "Human Rights Advisory on the Protection of Children of Incarcerated Parents". *Commission on Human Rights*. (A2021-002). <https://chr.gov.ph/wp-content/uploads/2021/03/Human-Rights-Advisory-on-the-Protection-of-Children-of-Incarcerated-Parents-CHR-V-A2021-002.pdf>.

<sup>2</sup> Villanueva, Shella Marcela, and Lisa Anna Gayoles. "Lived Experiences of Incarcerated Mothers." *Philippine Social Science Journal*, vol. 2, no. 1, 2019, pp. 37-52, <https://doi.org/10.52006/main.v2i1.55>.

<sup>3</sup> *Id.*

providing for their needs.<sup>4</sup> If acted upon, these provisions will uphold the constitutional mandate provided in Article II, Section 12 of the 1987 Philippine Constitution, to wit:

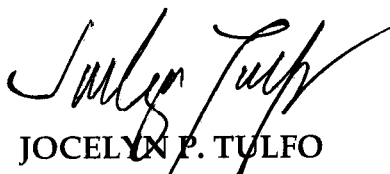
"The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government."

The absence of parents in their children's early and formative development has adverse effects. A study published in the Journal of the American Medical Association found that parental incarceration increases children's susceptibility to academic underachievement, social isolation, and the development of emotional and psychological issues.<sup>5</sup> Likewise, a local study published in the Quirino State University Research Journal found that children of incarcerated parents are more likely to participate in criminal activity and be convicted.<sup>6</sup> To break this cycle, the establishment of proper mechanisms is an immediate concern. We believe that the imprisonment of parents shall not deprive children of their rights.

This proposed legislative measure then seeks to establish the necessary mechanisms and facilities to assist incarcerated parents in fulfilling their parental obligations during the child's formative years. Salient provisions of the bill include placement and guardianship options, the provision of child-friendly visitation programs, and the entitlement to a one-hour *E-Dalaw* Video Conference twice a week.

In view of the foregoing, the urgent passing of this bill is earnestly sought.

  
**RALPH WENDEL P. TULFO**  
Representative  
2<sup>nd</sup> District of Quezon City

  
**JOCELYN P. TULFO**  
Representative  
ACT-CIS Partylist

  
**ERWIN T. TULFO**  
Representative  
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<sup>4</sup> Assembly, UN General. "Convention on the Rights of the Child." *United Nations, Treaty Series* 1577.3 (1989): 1-23.

<sup>5</sup> Gifford, Elizabeth J., et al. "Association of Parental Incarceration With Psychiatric and Functional Outcomes of Young Adults." *JAMA Network Open*, vol. 2, no. 8, 2019, <https://doi.org/10.1001/jamanetworkopen.2019.10005>.

<sup>6</sup> Pascua, Amelia B., and Romeo B. Nanglihan. "PARENT'S INCARCERATION: ITS INFLUENCE TO CHILDREN." *QSU Research Journal* 7.1 (2018): 1-1.

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**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,  
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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 Philippines in Congress assembled:*

**SECTION 1. *Short Title.*** – This Act shall be known as the “Incarcerated Parents Act of 2024”.

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

- (a) It shall defend the rights of children to special protection from all forms of neglect and other conditions prejudicial to their development;
- (b) It 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;
- (c) It 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; and
- (d) It shall ensure 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.*** – In the event that a person deprived of liberty (PDL) has minor children, the court shall *motu proprio* direct a social worker or a representative of the Department of Social Welfare and Development (DSWD) to confer with the PDL 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 PDL, shall thereafter be submitted to the court, attesting that options have been discussed and the selected option, if any.

Should the PDL be unable to place his/her 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:

- (a) Surviving grandparent;
- (b) Oldest brother or sister, over twenty-one (21) years of age, unless unfit or disqualified;
- (c) 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
- (d) The DSWD.

**SEC. 5. *Coordinating Body.*** – A coordinating body comprised of representatives from the Department of Justice, the Bureau of Corrections, the DSWD, 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 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 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 the 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. *In-Home Video Chat or E-Dalaw.*** - If children of incarcerated parents are not able to physically visit the prison, they are entitled to a one-hour video conference or call twice a week: *Provided, That* they are closely monitored by prison officials.

**SEC. 8. *Independent Monitoring.*** - Frequent access to prisons shall be granted to relevant institutions such as the Commission on 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 PDLS and their children.

**SEC. 9. *Appropriations.*** - The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the budget of the DSWD and included

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

**SEC. 10. *Separability Clause.*** – If any provision of this Act is held unconstitutional or invalid, the remaining provisions that are not affected thereby shall continue to be in full force and effect.

**SEC. 11. *Repealing Clause.*** – All other laws, decrees, executive orders, rules and regulations, and other issuances, or parts thereof, contrary to or inconsistent with this Act, are hereby modified, amended, or repealed accordingly.

**SEC. 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

*Approved,*