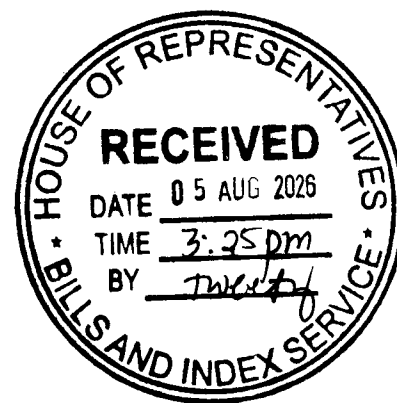




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. **10640**



Introduced by Representative Crispin Diego “Ping” D. Remulla

AN ACT
UPHOLDING THE RIGHT TO LIFE AND HUMAN DIGNITY OF MOTHERS
DEPRIVED OF LIBERTY AND THEIR CHILDREN BY INSTITUTING REFORMS
IN DETENTION FACILITIES AND PRISONS, PROVIDING GUIDELINES FOR
THEIR TREATMENT, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

In 2020, Baby River Nasino brought widespread attention to the need for clearer policies and stronger safeguards for mothers deprived of liberty (PDLs), especially those who give birth while in detention. As reported by BBC News, Baby River was born on July 1, 2020, weighing just over 5.5 pounds, to 23-year-old Reina Mae Nasino, who was then held at Manila City Jail on charges of illegal possession of firearms and explosives. Although medical experts recommended continued mother-infant contact to support breastfeeding and bonding, the infant was separated from her mother at six weeks old and placed under her grandmother’s care. Not long after, the baby fell ill with diarrhea and pneumonia and sadly passed away on October 9, 2020, at only three months old. This incident sparked public concern and highlighted the importance of policies that protect the welfare of detained mothers and their children.

In response, the Bureau of Jail Management and Penology (BJMP) issued the “Comprehensive Policy on the Treatment of Pregnant PDLs,” which took effect on June 12,

2021. This policy outlines specific procedures for the care and treatment of pregnant detainees, postpartum women, and their infants.

The bill seeks to ensure the humane, gender-sensitive, and rights-based treatment of pregnant and nursing PDLs. It supports the development of institutional guidelines that address the health and psychological needs of expectant and nursing mothers and promotes the consideration of non-custodial options whenever appropriate.

In view of the foregoing, the approval of this measure is earnestly sought.



CRISPIN DIEGO "PING" D. REMULLA



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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 “Mothers Deprived of
2 Liberty Welfare Act”.

3 **SEC. 2. *Declaration of Policy.*** – The State recognizes the vulnerability of women and
4 their dependent children. The State also affirms that among the essential aims of the
5 penitentiary system are the reformation, integration into the family, and social rehabilitation of
6 mothers deprived of liberty. Towards this end, it shall comply with its obligations as a member
7 of the United Nations to carry out efforts to provide appropriate programs for pregnant women,
8 nursing mothers, and women with children incarcerated in detention facilities and prisons.

9 The State likewise recognizes the rights of every child, and shall thus endeavor to
10 uphold their welfare, protect them, and advocate for their best interest even when they are born
11 to mothers who are either awaiting trial or sentence, or even when their mothers have been
12 incarcerated. It shall give attention to the impact of parental detention and imprisonment of
13 children and identify and promote practices in relation to the needs and physical, emotional,

1 social, and psychological development of babies and children affected by parental detention
2 and imprisonment.

3 **SEC. 3. Coverage.** – The programs and services set forth in this law shall apply to all
4 incarcerated women categorized as persons deprived of liberty (PDLs), i.e., detention prisoners
5 or those awaiting trial and judgment, and prisoners serving sentences. It shall cover all
6 detention and prison facilities where there are women PDLs.

7 **SEC. 4. Care of Pregnant PDLs.** – Pregnant PDLs shall receive timely and appropriate
8 prenatal care, specialized obstetrical services when indicated, and post-partum care.

9 There shall be established in all penal and detention facilities special accommodation
10 for all necessary prenatal and post-natal care and treatment among incarcerated women, and
11 set forth specific compliance indicators for pregnancy care generally, including but not limited
12 to the following:

- 13 a) Pre-natal medical examinations;
- 14 b) Pre-natal laboratory and diagnostic tests, including HIV testing and prophylaxis
15 when indicated;
- 16 c) Health education on levels of activity and safety precautions during pregnancy,
17 among others;
- 18 d) Pre-natal nutritional guidance and counseling;
- 19 e) Mental health services and development programs, including strategies to prevent
20 suicide and self-harm;
- 21 f) Maintaining a list of specialized obstetrical services;
- 22 g) Written agreement with a community facility for delivery;
- 23 h) Essential newborn care;
- 24 i) Documented, appropriate post-natal care;
- 25 j) Keeping a list of all pregnancies and their outcomes; and
- 26 k) Having a written policy and defined procedures addressing compliance with this
27 standard.

28 **SEC. 5. Health and Diet of Pregnant and Breastfeeding Women PDLs.** – Pregnant or
29 breastfeeding women PDLs shall receive advice on their health and diet under a program to be
30 drawn up and monitored by a qualified health practitioner.

31 Adequate and timely food, a healthy environment, and regular exercise opportunities
32 shall be provided free of charge for pregnant women, babies, children, and breastfeeding
33 mothers.

1 The medical and nutritional needs of women PDLs who have recently given birth, but
2 whose babies are not with them in the detention facility or prison, shall be included in treatment
3 programs.

4 **SEC. 6. *Breastfeeding Women PDLs.*** – Women PDLs shall not be discouraged from
5 breastfeeding their children, unless there are specific health reasons to do so.

6 **SEC. 7. *Childbirth.*** – Pregnant PDLs should be transferred to civilian hospitals for
7 childbirth as may be practicable. If the baby is born in prison, delivery should be undertaken
8 by a medical specialist in facilities suitable for childbirth.

9 Security measures applied when taking pregnant women to the hospital and during
10 childbirth should be the minimum necessary. The restraining of pregnant women during
11 examinations, transport to and back from the hospital, childbirth, and immediately following
12 childbirth shall be prohibited.

13 Regardless of where the birth takes place, it should be registered immediately. If a child
14 is born in prison, this fact shall not be mentioned in the birth certificate.

15 **SEC. 8. *Children Born to Women PDLs While Under Detention or Serving a***
16 ***Sentence.*** – Unless contrary to the best interests of the child, infants may remain with their
17 mothers up to twelve (12) months after birth. Thereafter, in allowing children to stay with their
18 mothers while under detention or serving a sentence, the best interest of the child shall be the
19 paramount consideration. A decision to allow a child to stay with his or her mother in a
20 detention facility or prison shall be based on the best interests of the child concerned.

21 Where a child is allowed to remain in a detention facility or prison with his or her
22 mother, provision shall be made for:

- 23 a) Food for babies and children free of charge, including milk, high-protein products
24 and adequate amounts of fresh fruit and vegetables;
- 25 b) Internal or external childcare facilities staffed by qualified persons, where the
26 children shall be placed when they are not in the care of their mother; and
- 27 c) Child-specific healthcare services, including health screenings upon admission and
28 ongoing monitoring of their development by specialists.

29 Children in prison with their mothers shall never be treated as prisoners. Women PDLs
30 whose children are in detention facilities and prisons with them shall be provided with the
31 maximum possible opportunities to spend time with their children.

32 **SEC. 9. *Children Living with their Mother PDLs while Under Detention.*** – Children
33 living with their mothers in detention facilities or prisons shall be provided with ongoing
34 healthcare services, and specialists shall monitor their development. Detention facilities and

1 prisons must collaborate with health clinics to administer vaccinations and conduct periodic
2 examinations of children, ensuring their vaccinations are up to date and monitoring their
3 physical development.

4 The State shall endeavor to provide an environment for such children's upbringing
5 which is as close as possible to that of a child outside detention or penal facilities. Adequate
6 play and exercise facilities shall be provided to them, and their mothers should be provided
7 with the maximum possible opportunities to spend time with them.

8 **SEC. 10. *Separation of Child from His/Her Mother PDL.*** – Decisions as to when a
9 child is to be separated from his/her mother after twelve (12) months from birth shall be based
10 on individual assessments and the best interest of the child.

11 The removal of the child from prison shall be undertaken with sensitivity following an
12 individual assessment as to the suitability of removal, when the infant has weaned, and when
13 alternative care arrangements for the child have been identified and properly set up.

14 After children are separated from their mothers and placed with family or relatives or
15 in other alternative care, women PDLs shall be given the maximum possible opportunity and
16 facilities to meet with their children, when it is in the best interest of the children, to reduce the
17 mental distress of the mothers and the emotional trauma of the child, as well as to protect the
18 children from developmental problems.

19 **SEC. 11. *Care for Separated Infants.*** – Infants separated from their mothers shall be
20 allowed to be brought for a visit on an agreed schedule and stay for an agreed length of time
21 within visiting hours to facilitate mother-child bonding and protected breastfeeding.

22 Mother-PDLs shall be allowed to communicate with her family, friends and relatives
23 at regular intervals through regular visits or any other practicable means during the postpartum
24 phase.

25 Mother-PDLs shall also be allowed to express breastmilk for her separated newborn or
26 infant and shall be provided with a storage facility for such.

27 **SEC. 12. *Discipline and Punishment.*** – Solitary confinement for pregnant PDLs,
28 women PDLs with infants, breastfeeding PDLs, and mothers shall be prohibited. Disciplinary
29 segregation of mother-PDL and their infant is also prohibited.

30 **SEC. 13. *Gender-Sensitive Training for Jail Personnel.*** – All jail officers, and prison
31 staff handling pregnant and mother PDLs, shall undergo mandatory gender-sensitivity training,
32 trauma-informed care orientation, and child rights education to ensure humane and appropriate
33 treatment of mothers and their children in custody.

1 **SEC. 14. *Separability Clause.*** – If any part or provision of this Act is declared invalid
2 or unconstitutional, the other parts not affected thereby shall remain valid.

3 **SEC. 15. *Repealing Clause.*** – All laws, decrees, executive orders, issuances, or rules
4 and regulations, or portions thereof, that are inconsistent with this Act or any provision or
5 provisions thereof are repealed, modified or amended accordingly.

6 **SEC. 16. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
7 in the *Official Gazette* or in two (2) newspapers of general circulation

Approved,