



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



Eighteenth Congress

First Regular Session

House Bill No. 3197

Introduced by

**HON. ANNA MARIE VILLARAZA-SUAREZ and
HON. DAVID C. SUAREZ**

EXPLANATORY NOTE


Article II, Section 12 of the 1987 Constitution declares that the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic social institution, and that 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 loss of parental care and the severance of maternal bond because of incarceration have long-term debilitating effects for the affected children, their mothers and their families. Research indicates that children with incarcerated mothers and the mothers themselves are at heightened risk for attachment disturbance leading to depression, anxiety, and other trauma-related stress resulting to a diminished quality of their lives. Fortunately, studies also suggest that the quality of the family and social support systems to the child plays a significant role in the child's ability to overcome these challenges and succeed in life. Therefore, it is critical that prison authorities and correctional practitioners, child welfare agencies, and courts of law, understand the unique dynamics of the families involved to ensure a safety net for the children and mothers concerned.

In particular, government policies on prison and jail management, including the courts' rules and procedures, must focus on the unique relationship of a mother to a child, recognize the rights of detained and incarcerated mothers, and the need for special care and consideration of children of incarcerated mothers.

This bill seeks to establish programs and projects for the delivery of health and social packages for incarcerated mothers and their children, child-friendly visitation programs, and for the proper placement of affected children, all for the purpose of mitigating the adverse effects of separation of incarcerated mothers and their children.

For the foregoing reasons, the immediate approval of the proposed measure is earnestly sought.



HON. ANNA MARIE VILLARAZA-SUAREZ
REPRESENTATIVE
ALONA PARTYLIST



HON. DAVID E. SUAREZ
REPRESENTATIVE
2ND DISTRICT, QUEZON



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

Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the 'Mothers in Jail Act of 2019'.

SECTION 2. Declaration of Policy. -

- a) The State recognizes that all persons deprived of their liberty shall be treated with humanity and shall enjoy all the rights guaranteed to free persons, subject to the restrictions and regulations governing the detention and correction facilities.
- b) The State shall promote stable and solid relationships between children and their primary care-giver and support incarcerated parents to develop and maintain their relationship with their children.
- c) In all actions concerning children, whether undertaken by the public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration.

- d) The State shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child. The views of the child being given due weight in accordance with age and maturity of the child.

SECTION 3. *Apprising Custodial Parents of Their Parental Rights.* - In cases involving custodial parents, the court must give an appropriate warning of the special consequences for a defendant's parental rights that may result from a plea of guilty or a conviction.

SECTION 4. *Placement of Guardianship Options.* - The court shall provide defendant with a reasonable amount of time to appropriately attend to the needs of his or her minor children for safe and appropriate care prior to accepting a guilty plea. The court, in coordination with the Department of Social Welfare and Development, shall explain the various options available to the defendants.

SECTION 5. *Coordinating Body.* - A coordinating body comprised of representatives from the Department of Justice (DOJ), the Bureau of Corrections (BuCor), the Bureau of Jail Management and Penology (BJMP), the Department of Social Welfare and Development (DSWD), and the Department of Health (DOH) shall be established. Such body shall:

- a) Formulate the necessary rules and regulations for the effective implementation of this Act;
- b) Provide for specific procedures for the placement of the children of defendants or for infants born to women already incarcerated in the national prisons; and
- c) Establish programs designed to provide counselling, health and other social services to the incarcerated parents and their children. Mothers' and children's (those under one-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.* - Authorities of prison and detention facilities shall establish child-friendly opportunities for mothers and children. Special visitation rooms for mothers and their children shall be provided for this purpose.

SECTION 7. *Independent Monitoring.* - Frequent access to prisons and detention facilities shall be granted to relevant institutions such as the Commission on Human Rights, human rights, non- government organizations (NGOs), 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 mothers and their children.

SECTION 8. *Appropriations.* - The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated 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 part hereof is held invalid or unconstitutional, the remainder of the provisions not otherwise affected shall remain valid and subsisting

SECTION 10. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule and regulation contrary to or is 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 after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved.