

NINETEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
*First Regular Session* )

 **Senate**  
Office of the Secretary

23 FEB 14 P6:18

**SENATE**  
**S.B. No. 1880**

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Introduced by: **Senator Raffy T. Tulfo**

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

Explanatory Note

The incarceration of a parent not only deprives the individual of quality time with their children, but also poses several threats to their kids' emotional, physical, educational, and financial well-being. The disruption of the relationship between the child and parent causes a multitude of challenges to the kids' development that may negatively impact their lives. Parental incarceration is a massive strain on family life. With that being said, this proposed bill aims to establish mechanisms that assist incarcerated parents in their child-rearing obligations.

Under this proposed measure, incarcerated parents are able to assign guardianship options for their minor children. Furthermore, they are given more visitation alternatives within the prison. In cases where the children cannot physically visit their parents, inmates are entitled to avail of the "E-Dalaw", where they can contact their minor children online for one (1) hour twice a week.

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

  
**Raffy T. Tulfo**  
Senator

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

1 Section 1. *Title.* – This Act shall be known as the "*Incarcerated Parents Act of*  
2 *2023*".

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

4 a. The State shall defend the rights of children to special protection from all forms  
5 of neglect and other conditions prejudicial to their development;

6 b. The State recognizes that all persons deprived of their liberty shall be treated  
7 humanely and shall enjoy all the rights guaranteed to free persons, subject to the  
8 restrictions that are unavoidable in a closed environment;

9 c. The State shall promote stable and solid relationships between children and  
10 parents, who are their primary caregivers and support incarcerated parents to develop  
11 and maintain their relationship with their children; and

12 d. The State shall ensure the right of the child to express his views freely in all  
13 matters affecting him, the views of the child being given due weight in accordance with  
14 his age and maturity.

15  
16 Sec 3. *Definition of Terms.* – For the purposes of this Act, the following terms  
17 shall be defined as follows:

1 a. *Children* are referred to as a person under the age of eighteen (18) years. Both  
2 legitimate and illegitimate children will be considered for this Act provided the  
3 incarcerated parent is registered as such in their birth certificate.

4  
5 *Sec 4. Apprising Incarcerated Parents of Their Parental Rights.* – In cases  
6 involving incarcerated parents, the court must give an appropriate warning of the  
7 special consequences concerning the parental rights of the accused that may result  
8 from a plea of guilty or conviction, especially the loss of parental authority.

9  
10 *Sec 5. Placement and Guardianship Options.* – After arraignment, a plea of guilty,  
11 or conviction, the court shall inquire from the accused if the latter has any minor children  
12 and in whose custody the minor children are. In the event that the accused has minor  
13 children, the court shall *motu proprio* direct a social worker or a representative of the  
14 Department of Social Welfare and Development, to confer with the accused to discuss  
15 various options available to the latter, in relation to the care and custody of his or her  
16 minor children.

17 A compliance report, duly signed by the accused, shall thereafter be submitted to  
18 the court, attesting that options have been discussed and the selected option, if any.

19 Should the accused be unable to place his minor children under the care of a  
20 responsible adult, the minor children shall be placed under the care of the following  
21 persons, in the order indicated:

- 22 1. Surviving grandparent;
- 23 2. Oldest brother or sister, over twenty-one (21) years of age, unless unfit or  
24 disqualified;
- 25 3. Any collateral relative of the accused, over twenty-one (21) years or age,  
26 and within the fourth civil degree of consanguinity or affinity of the minor  
27 children; and
- 28 4. The Department of Social Welfare and Development.

29

1            *Sec 6. Coordinating Body.* – A coordinating body comprised of representatives from  
2 the Department of Justice, the Bureau of Corrections, the Department of Social Welfare  
3 and Development, and the Department of Health shall be established, for purposes of  
4 implementing the provisions of this Act. Such body shall:

5 a.        Formulate the necessary rules and regulations for the effective implementation of  
6 this Act;

7 b.        Provide specific procedures for the placement of children of the accused or for  
8 infants born to women already incarcerated in state prisons; and

9 c.        Establish programs designed to provide counseling, health, and other social  
10 services to incarcerated parents and their children. Mothers' and children's (those under  
11 one (1) year old and still staying with their mother) access to health care services and  
12 medicines, including reproductive health care and medical attention, gynecological and  
13 pediatric services shall be assured by the institution where parent and child are detained.  
14

15            *Sec 7. Child-Friendly Visitation Programs.* – The prison facilities shall establish  
16 child-friendly visitation opportunities for solo parents and children. A special visitation  
17 room for solo parents and children shall be provided for this purpose.  
18

19            *Sec 8. In-Home Video Chat or E-Dalaw* – If children of incarcerated parents are  
20 not able to physically visit the prison, they are entitled to a video conference or call one  
21 hour twice a week. Provided they are closely monitored by prisoner officials.  
22

23            *Sec 9. Independent Monitoring.* – Frequent access to prisons shall be granted to  
24 relevant institutions such as the Commission on Human Rights, human rights  
25 nongovernmental organizations, and international organizations. The Coordinating Body  
26 shall assign persons to conduct independent monitoring of the various prison facilities.  
27 Such persons conducting monitoring tasks shall be allowed to make periodic and  
28 unannounced visits to the premises and speak in private with imprisoned solo parents  
29 and their children.

1           Sec 10. *Appropriations.* – The amount necessary to carry out the provisions of this  
2 Act is hereby authorized to be appropriated in the budget of the Department of Social  
3 Welfare and Development and included in the General Appropriations Act of the year  
4 following the enactment of this law and every year thereafter.

5  
6           Sec 11. *Separability Clause.* – If for any reason, any section or provision of this Act  
7 is declared unconstitutional or invalid, other sections or provisions which are not affected  
8 thereby shall continue to be in full force and effect.

9  
10          Sec 12. *Repealing Clause.* – All laws, bills, executive orders, administrative orders,  
11 rules, or regulations inconsistent herewith, are hereby repealed, amended or modified  
12 accordingly.

13  
14          Sec 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication  
15 in the Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*