

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



23 MAY -4 P6:33

SENATE

S. No. 2133

RECEIVED BY: _____

Introduced by Senator Loren B. Legarda

**AN ACT
DEFINING THE RIGHTS OF WOMEN DEPRIVED OF LIBERTY IN JAILS AND
CORRECTIONAL FACILITIES AND PROVIDING FUNDS FOR THEIR
ENFORCEMENT**

EXPLANATORY NOTE

Republic Act No. 9710 or the Magna Carta of Women provides necessary services and interventions for women in especially difficult circumstances, ensure the provision of segregated facilities, health and sanitation services for women in detention, including clean and sanitary toilets, ensure the annual review of cases that may merit presidential pardons, with special priority for the elderly and sick women, and the formulation of guidelines and protocols to ensure the protection of women against gender-based violence.

According to the World Prison Brief Data, there are 17, 121 female prisoners in the Philippines as of 2021. As of December 2021, statistics on prison congestion show that detention facilities like the Correctional Institute for Women (CIW) in Mandaluyong has an occupancy rate of 331% and congestion rate of 231%.

Every person is entitled to humane treatment. Women Deprived of Liberty (WDL) do not lose their dignity nor their humanity upon incarceration. Women Deprived of Liberty have specific needs and concerns. They need uncongested detention facilities, adequate ration of food, water supply, sanitation, availability of hygiene supplies; health and security from various forms of violence, and availability of adequate space to nurture their new-born child. Unfortunately, these needs and concerns are not presently addressed or available in all detention centers. While the criminal justice system provides for the correction and rehabilitation of offenders, the system should also uplift and redeem the "valuable human material". Hence, the state should consider the distinct concerns and needs of women deprived of liberty in the formulation and implementation of rules, policies, and programs.

This bill seeks to define certain rights of women deprived of liberty and take into account their distinctive needs as women and mothers.

In view of the foregoing, the early passage of this bill is earnestly requested.



LOREN LEGARDA

23 MAY -4 P6 :34

SENATE

RECEIVED BY: 

S. No. 2133

Introduced by Senator Loren B. Legarda

**AN ACT
DEFINING THE RIGHTS OF WOMEN DEPRIVED OF LIBERTY IN JAILS AND
CORRECTIONAL FACILITIES AND PROVIDING FUNDS FOR THEIR
ENFORCEMENT**

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

1 Section 1. Short Title. - This Act shall be known as the "Dignity for Women
2 Deprived of Liberty Act".

3 Sec. 2. Declaration of Policy. - It is hereby declared the policy of the State
4 to safeguard the basic rights of every person deprived of liberty, taking into account the
5 distinctive needs of women, and to promote their health, security, dignity, and general
6 welfare.

7 Sec. 3. Definitions. - As used in this Act, the term:

8 (a) "Woman deprived of liberty" refers to a woman detainee, inmate, or prisoner,
9 or other women under confinement or custody in any other manner. However, in order
10 to prevent labeling, branding, or shaming by the use of these or other derogatory words,
11 this new and neutral term shall be used in accordance with Article 10 of the International
12 Covenant on Civil and Political Rights (ICCPR);

13 (b) "Jails and correctional facilities" shall cover every municipal, city, and district
14 jails under the jurisdiction of the Bureau of Jail Management and Penology (BUMP); the

1 various provincial jails under their respective provincial governments; and the
2 correctional facilities under the jurisdiction of the Bureau of Corrections, which are
3 charged with the custody or reformation of women deprived of liberty incarcerated
4 therein;

5 (c) "Jail and correctional facility employee" means any person employed by a jail
6 or correctional facility, which includes, but is not limited to, the uniformed personnel of
7 the Bureau of Jail Management and Penology as enumerated in Section 12 of Republic
8 Act No. 9263 and the uniformed personnel of the Bureau of Corrections as enumerated
9 in Section 19 of Republic Act No. 10575;

10 (d) "Healthcare products" includes the following:

11 (1) feminine hygiene products such as sanitary napkins, panty liners, and
12 tampons;

13 (2) toiletries such as towels, shampoo, soap, and undergarments;

14 (3) clean and safe drinking water;

15 (4) any other health care product that the jail or correctional facility deems
16 appropriate, as identified or recommended by a gynecologist or a health care
17 professional;

18 (e) "Infant children" refers to children of women deprived of liberty of the age of
19 zero to twelve (0-12) months old;

20 (f) "Mental health" refers to a state of well-being in which the individual realizes
21 one's own abilities and potentials, scopes adequately with the normal stresses of life,
22 displays resilience in the face of extreme life events, works productively and fruitfully,
23 and is able to make a positive contribution to the community as defined in Section 4 of
24 Republic Act No. 11036;

25 (g) "Mental Health Service" refers to psychosocial, psychiatric or neurologic
26 activities and programs along the whole range of the mental health support services
27 including

1 promotion, prevention, treatment, and aftercare, which are provided by mental
2 health facilities and mental health professionals as stated in Section 4 of Republic Act
3 No. 11036;

4 (h) "State of undress" means not dressed or not fully dressed.

5 Sec. 4. Right to Health Care. –

6 (a) Right to Preventive Health Care. - It shall be the right of every woman
7 deprived of liberty to be provided with proper preventive health care. This includes:

8 (1) regular preventive medical examination, especially with a gynecologist or
9 obstetrician,

10 (2) access to mental health services;

11 (3) regular sunning (sun exposure) and exercise, and;

12 (4) provision of dietary supplements for pregnant, lactating, elderly and
13 menstruating women. The supplements shall be provided at no cost and shall be
14 determined by a gynecologist, or by an obstetrician for pregnant women.

15 (b) Right to Health Care Products. - It shall be the right of a woman deprived
16 of liberty to be provided health care products. Thus, a jail or correctional facility shall
17 make available health care products to each woman deprived of liberty at no cost to the
18 woman without need for a medical referral. A jail or correctional facility may not require
19 that a woman deprived of liberty be diagnosed with an illness in order to access health
20 care products.

21 (c) Right to Medical Examination and Treatment. - It shall be the right of a
22 woman deprived of liberty to be examined or treated for an illness. In case a woman
23 deprived of liberty requests that she be examined or treated by a woman physician or
24 nurse, a woman physician or nurse shall be made available, to the extent possible, except
25 for situations requiring urgent medical intervention. If a male physician or nurse
26 undertakes the examination contrary to the wishes of the woman deprived of liberty, a
27 woman staff member shall be present during the examination.

28 Sec. 5. Right of Pregnant Women Against Restraint. - It shall be the right of a
29 pregnant woman deprived of liberty not to be restrained, in any manner, during medical

1 examinations, transport to hospital to give birth, during labor, and immediately after
2 birth.

3 Sec. 6. Right to Stay with their Infant Children in Infirmaries Inside Correctional
4 Facilities. - It shall be the right of a woman deprived of liberty to stay with her infant
5 child in infirmaries located inside correctional facilities until the infant child shall have
6 attained the age of one (1) year old. The woman deprived of liberty shall undergo
7 postpartum care to ensure physical and mental health and wellness. After the child has
8 attained one (1) year of age, the child may stay with the mother deprived of liberty inside
9 correctional facility if it is advantageous to both the mother and the child, as
10 recommended by the medical officer of the correctional facility or a by a competent
11 health professional and a social worker. Otherwise, the child shall be placed under the
12 care of relatives or in an orphanage if no relative would come to take care of the child.

13 In case the child of a woman deprived of liberty be placed under the care of
14 relatives or in an orphanage, the Social Welfare Officer shall see to it that the child shall
15 have continuous communication with and periodical visits to the mother deprived of
16 liberty.

17 Sec. 7. Right Against Punishment by Close Confinement or Disciplinary
18 Segregation. - It shall be the right of a woman deprived of liberty who is pregnant, has
19 an infant child, or is a breastfeeding mother not to be punished by close confinement or
20 disciplinary segregation.

21 Sec. 8. Right to Education and Information. — It shall be the right of a
22 person deprived of liberty to have access to information and education programs that
23 include literacy and numeracy, reproductive health and preventive healthcare measures,
24 and livelihood training.

25 Sec. 9. Right to Legal Assistance in Filing Complaints. - It shall be the right
26 of a woman deprived of liberty to be provided free legal assistance in filing
27 administrative and/or criminal complaints against any jail or correctional facility
28 employee or fellow person deprived of liberty who have committed rape, sexual
29 harassment or physical and mental abuses against them. During the process, the

1 complaining woman deprived of liberty shall be protected from any kind of mental and
2 physical torture, threats, ill treatments and other possible harm from any party and shall
3 be provided immediate medical assistance and counselling programs.

4 All administrative complaints must be acted upon with dispatch, prompt and
5 impartial investigation and findings must be submitted to the respective Superintendent
6 in charge of the jail or correctional facility within forty-eight (48) hours from receipt of
7 the complaint or any incident report, Thereafter, the Superintendent shall, within
8 twenty-four (24) hours, make the appropriate administrative action against the guilty jail
9 or correctional facility personnel.

10 Sec. 10. Restrictions on Male Employees of Jails and Correctional Facilities.

11 -

12 (a) A male jail or correctional facility employee may not conduct a pat-down
13 search or body cavity search on a woman deprived of liberty unless the woman presents
14 an immediate risk of harm to herself or others and a female jail or correctional facility
15 employee is not available to do the search. No woman deprived of liberty shall be
16 required to strip completely during the search.

17 Alternative screening methods, such as scans, shall be developed to replace strip
18 searches and invasive body searches, in order to avoid the harmful psychological and
19 possible physical impact of invasive body searches.

20 (b) A male jail or correctional facility employee shall announce his presence upon
21 entering a cell or housing unit for women deprived of liberty.

22 (c) A male jail or correctional facility employee may not enter an area of the jail or
23 correctional facility in which woman deprived of liberty may be in a state of undress or
24 an area where a woman deprived of liberty in a state of undress may be viewed,
25 including, but not limited to, restrooms, shower areas, and medical treatment areas. If a
26 female jail or correctional facility employee is not available or if a female jail or
27 correctional facility employee requires assistance, a male jail or correctional facility
28 employee may enter such area only in the event of a medical emergency or if a woman
29 deprived of liberty presents an immediate risk of harm to herself or others.

1 Sec. 11. Separate Prison Cell and Facilities – Women deprived of liberty
2 shall, at all times, be held separately from men deprived of liberty. For this purpose,
3 separate cells and facilities for women shall form part of the standard design in the
4 construction and improvement of jails and correctional facilities. Provided, that in
5 situations which presently receives both men and women deprived of liberty, there shall
6 be a section or part allocated exclusively for women deprived of liberty.

7 Sec. 12. Control and supervision of Jails and Correction Facilities with
8 women Deprived of Liberty. – In institutions having both men and women deprived of
9 liberty, the section or part set aside for women deprived of liberty shall be under the
10 authority of a woman prison officer who shall have control and supervision of such
11 section.

12 Sec. 13. Hiring and Training of Additional Women Prison Personnel. – To
13 ensure the effective implementation and to carry out the full intent of this Act, the jails
14 under the jurisdiction of the Bureau of Jail Management and Penology and the provincial
15 governments, and the correctional facilities under the jurisdiction of the Bureau of
16 Corrections, are hereby mandated to maintain the women custodial personnel-to-
17 women deprived of liberty ratio of 1:7 and women to reformation personnel-to-women
18 deprived of liberty ratio of 1:24.

19 All staff assigned to work with women deprived of liberty shall receive training
20 relating to the gender-specific needs and human rights of women deprived of liberty.

21 Sec. 14. Appropriations. – the amount necessary for the implementation of
22 this Act insofar as it refers to the municipal, city, and district jails and to correctional
23 facilities shall be charged to the current appropriations for the Bureau of Jail
24 Management and Penology and Bureau of Corrections respectively. Thereafter, such
25 sum as may be necessary for the continued implementation of this Act shall be included
26 in the annual General Appropriations Act.

27 The provincial governments shall be responsible for appropriating the necessary
28 amount needed for the implementation of this Act with regard to provincial jails.

1 Sec. 15. Implementing Rules and Regulations.- Within ninety (90) days
2 after the approval of this Act, the Secretary of Justice and the Secretary of Interior and
3 Local Government shall promulgate the necessary rules and regulations for the effective
4 implementation of this Act.

5 Sec. 16. Repealing Clause. - All laws, executive orders, and other issuances
6 inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

7 Sec. 17. Separability Clause. - If, for any reason, any part of this Act is
8 declared invalid or unconstitutional, any part or provision affected thereby shall remain
9 in full force and effect.

10 Sec. 18. Effectivity. - This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or in Two (2) newspaper of general circulation.

Approved,