

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



Senate  
Office of the Secretary

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SENATE  
S. No. 1759

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article III provides:

Section 19. (1) Excessive fines shall not be imposed, nor cruel, degrading, or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. Any death penalty already imposed shall be reduced to reclusion perpetua.

(2) The employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law.

This constitutional provision does not imply that the punishment or penalties imposed on the convict may be lightened by allowing prisoners to live luxuriously inside the prison. A clear example would be alleged "VIP" (very important person) treatment given by New Bilibid Prison (NBP) to a certain convict ("Jalosjos has bathtub in Munti" Philippine Star, 12 Feb. 1999, P. 1).

The Penal Code, on the other hand, reminds us of the five underlying theories justifying penalty – (1) prevention of crime; (2) self-defense for the protection of society; (3) reformation of the criminal; (4) exemplarity to deter others from committing crimes; and (5) justice (Reyes, Luis B., The Revised Penal Code, Criminal Law, Book One, Revised 1998 Ed.)

The very purpose of imposing penalty or punishment on a convict or any violator of law would be ineffective if we allow this situation to continue. Thus, this bill aims to prevent luxurious conditions in prisons particularly for selected prisoners.\*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT  
2 TO PREVENT LUXURIOUS CONDITIONS IN PRISONS

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

3 SECTION 1. *Short Title.* – This Act shall be known as the “No Frills Prison Act.”

4 SECTION 2. *Declaration of Policy.* – It is a policy of the State to prevent the imposition  
5 of excessive, cruel, degrading or inhuman punishment. This policy should, however, be  
6 balanced with the duty of the State to protect its citizens from criminals.

7 SECTION 3. *Elimination of Luxurious Prison Conditions.* – Prison officials shall provide  
8 living conditions and opportunities to prisoners within its prison that are not more luxurious than  
9 those conditions and opportunities the average prisoner would have experienced if such prisoner  
10 were not incarcerated, and should not provide to any such prisoner –

11 (A) Who earned good behavior credits:

- 12 (1) Less than forty (40) hours a week of work that either offsets or reduces the  
13 expenses of keeping a prisoner or provides resources toward restitution of  
14 victims;
- 15 (2) Unmonitored phone calls, except when between the prisoner and prisoner’s  
16 immediate family or legal counsel;
- 17 (3) In-cell television viewing;
- 18 (4) The viewing of R, X, or similarly rated movies, through whatever medium  
19 presented;
- 20 (5) Possession of any pornographic materials;

- 1 (6) Any instruction, live broadcast, or training equipment for boxing, wrestling,  
2 judo, karate, or other material art, or any bodybuilding or weightlifting  
3 equipment of any sort;
- 4 (7) Except for use during required work, the use or possession of any electric or  
5 electronic musical instrument, or practice on any musical instrument for  
6 more than one hour a day;
- 7 (8) Use of personally owned computers or modems;
- 8 (9) Possessions of in-cell coffee pots, hot plates, or heating elements;
- 9 (10) Any living or work quarters into which the outside view is obstructed;
- 10 (11) Food exceeding in quality or quantity that which is available to the average  
11 prisoners;
- 12 (12) Dress or hygiene, grooming or appearance other than those allowed as a  
13 uniform or standard in the prison; or
- 14 (13) Equipment or facilities at public expense for publishing or broadcasting  
15 content not previously approved by prison officials as consistent with prison  
16 order and prisoner discipline; and

17 (B) Who is serving a sentence for a crime of violence which resulted in serious bodily  
18 injury to another --

- 19 (1) Housing other than in separate cell blocks extended for violent prisoners and  
20 designed to emphasize punishment rather than rehabilitation;
- 21 (2) Less than nine (9) hours a day of physical labor, with confinement to cell for  
22 any refusing to engage in that labor, but a prisoner not physically able to do  
23 physical labor may be assigned to alternate labor;
- 24 (3) Any temporary furlough, leave, excursion, or other release from the prison  
25 for any purpose, unless the prisoner remains at all times under physical or  
26 mechanical restraints, such as handcuffs, and under constant escort and  
27 immediate supervision of at least one armed correctional officer;
- 28 (4) Any viewing of television;

- 1 (5) Any inter-prison travel for competitive sports, whether as participant or  
2 spectator;
- 3 (6) More than one hour a day spent for sports or exercise; or
- 4 (7) Possession of personal property exceeding seventy five (75) pounds in total  
5 weight or that can not be stored in a standard size bag.

6 SECTION 4. *Implementing Rules and Regulations.* – The Secretary of Justice shall,  
7 within ninety (90) days after approval of this Act, after consultation with the appropriate  
8 government agencies concerned in the administration of justice, promulgate rules and regulations  
9 for the effective and efficient implementation of the provision of this Act.

10 SECTION 5. *Separability Clause.* – If any provision or part hereof is held invalid or  
11 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
12 valid and subsisting.

13 SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
14 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent  
15 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

16 SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
17 publication in at least two (2) newspapers of general circulation.

Approved,