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SENATE  
P.S.R. No. 574

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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION

DIRECTING THE BLUE RIBBON COMMITTEE TO INCLUDE IN ITS ONGOING PROBE INTO THE PORK BARREL SCAM AN INQUIRY ON THE EXPENSES INVOLVING PUBLIC FUNDS IN CONNECTION WITH THE DETENTION OF JANET LIM NAPOLES

WHEREAS, various news articles reported that the Philippine National Police (PNP) is spending excessive public funds in the detention of pork barrel scam suspect Janet Lim Napoles;

WHEREAS, the comparison between the PNP's expenses on the detention of Napoles to that of an ordinary prisoner is reportedly as follows:

- Napoles daily – ₱5,000; ordinary prisoner – ₱54
- Napoles monthly – ₱150,000; ordinary prisoner – ₱1,612
- Napoles yearly – ₱1.8 million; ordinary prisoner – ₱20,000

WHEREAS, according to the news reports, the PNP spends ₱120,000 each time Napoles travels for her trials in Court, appearance in Senate Blue Ribbon committee hearing, and her medical check-ups;

WHEREAS, it was also reported that the PNP shouldered the ₱3,000 cost of Napoles' medical examination in the Camp Crame General Hospital last 26 February 2014; the PNP also rented for the medical examination a 2D transvaginal ultrasound machine costing the PNP ₱5,000;

WHEREAS, in *Tillman v. Correctional Facility* (221 F. 3d 410 [3<sup>rd</sup> Cir. 2000]), the United States Court of Appeals upheld the system of charging inmates for enhanced room and board, also known as the "Pay-for-Stay" program, under the following rulings of constitutional law:

- "Pay-for-Stay" does not constitute cruel and unusual punishment, so long as the inability to pay the fees did not affect the subject prisoner's access to needed services;
- The program does not impose Excessive Fines, since the fees charged to the prisoner were not fines, but they were rehabilitative rather than punitive in nature;
- There was no denial of Due Process, because the American system provided a prisoner grievance procedure; and

- There was no violation of Equal Protection under the so-called “rational basis review,” where it is shown that there is a rational relationship between the end sought to be gained, and the means employed;

WHEREAS, United States courts have upheld “Pay-for-Stay” programs in such states as Texas, California, New York, Illinois, Tennessee, Ohio, and Pennsylvania;

WHEREAS, if Napoles as a person in interest refuses to cooperate with the Department of Justice and the Senate Blue Ribbon committee by providing information which she apparently possesses about the scam, there is no acceptable reason why government should single her out for special treatment among the more than 70,000 detention prisoners in the country;

WHEREAS, if Napoles wishes to avail of protection for her security and safety, then the obvious legal remedy is for her to apply to the Witness Protection Program administered by the Department of Justice; otherwise the PNP should immediately bill Napoles under a Cost Recovery Program;

WHEREFORE, BE IT RESOLVED IN THE PHILIPPINE SENATE to direct the Blue Ribbon committee to include in its ongoing probe into the pork barrel scam an inquiry on the expenses involving public funds in connection to the detention of Janet Lim Napoles.

Approved,

  
MIRIAM DEFENSOR SANTIAGO  
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