

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

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SENATE
S. B. NO. 1660

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 3 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

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AN ACT
TO PREVENT LUXURIOUS CONDITIONS IN PRISONS

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

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

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

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

(1) who earned good behavior credits:

(a) less than forty (40) hours a week of work that either offsets or reduces the expenses of keeping a prisoner or provides resources toward restitution of victims;

(b) unmonitored phone calls, except when between the prisoner and prisoner’s immediate family or legal counsel;

(c) in-cell television viewing;

(d) the viewing of R, X, or similarly rated movies, through whatever medium presented;

(e) possession of any pornographic materials; any instruction (live through broadcast) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(f) except for use during required work, the use or possession of any electric or electronic musical instrument, or practice on any musical instrument for more than one hour a day;

(g) use of personally owned computers or modems;

(h) possessions of in-cell coffee pots, hot plates, or heating elements;

(i) any living or work quarters into which the outside view is obstructed;

(j) food exceeding in quality or quantity that which is available to the average prisoners;

(k) dress or hygiene, grooming or appearance other than those allowed as a uniform or standard in the prison; or

(l) equipment or facilities at public expense for publishing or broadcasting content not previously approved by prison officials as consistent with prison order and prisoner discipline; and

(2) *who is serving a sentence for a crime of violence which resulted in serious bodily injury to another –*

(a) housing other than in separate cell blocks extended for violent prisoners and designed to emphasize punishment rather than rehabilitation;

(b) less than 9 hours a day of physical labor, with confinement to cell for any refusing to engage in that labor, but a prisoner not physically able to do physical labor may be assigned to alternate labor;

(c) any temporary furlough, leave, excursion, or other release from the prison for any purpose, unless the prisoner remains at all times under physical or mechanical restraints, such as handcuffs, and under constant escort and immediate supervision of at least one armed correctional officer;

(d) any viewing of television;

(e) any inter-prison travel for competitive sports, whether as participant or spectator;

(f) more than one hour a day spent for sports or exercise; or

(g) possession of personal property exceeding 75 pounds in total weight or that can not be stored in a standard size bag.

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

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

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

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

Approved.

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