

SENATE
S.B. No. 2

19 JUL -1 A9:40

Introduced by SENATOR VICENTE C. SOTTO

**AN ACT
ESTABLISHING A DETENTION PROGRAM AND FACILITY FOR HIGH-
LEVEL DRUG OFFENDERS WITHIN THE NATIONAL PENITENTIARY
SYSTEM UNDER THE BUREAU OF CORRECTIONS, APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Recent news events prove and confirm the failure of the present treatment program and detention security measures of the Bureau of Corrections in the matter of containing and preventing high-level illegal-drugs inmates from continuing their possession, trading and trafficking of illegal drugs while under detention. This circumstance is an area of grave concern for government in particular and the whole Philippine society. As recent as the previous months of 2016, after a series of inspections/raids of the premises of the New Bilibid Prisons, several contraband items, including prohibited drugs, were confiscated. These incidents prove that convicted drug lords could continue their illegal drug business inside the premises of the national penitentiary, probably with the aid of regular inmates with whom they are commingled.

The philosophy of penology recognizes the need to classify the prisoners into reasonable categories for rehabilitation, treatment and protection of society. This is one of the mandated responsibilities of the Bureau of Corrections in safekeeping inmates and completely incapacitating them, especially high-level illegal-drugs offenders, while serving their sentences.

In light of these principles, and conscious of recent news events and circumstances evidencing the failure of the Bureau of Correction on the

matter of the security of high-level illegal drug offenders and inmates, the following bill is hereby proposed to operationalize the concept that *“different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment...”* The Bureau of Corrections Act of 2013, provides thus:

“SEC. 5. x x x

(c) ...inmates shall also be internally classified by the DRD and segregated according to crimes committed based on the related penal codes such as Crimes Against Persons, Crimes Against Properties, Crimes Against Chastity, so on and so forth, as well as by other related Special Laws, Custom and Immigration Laws...”

The purpose of this bill, other than to decongest existing penal institutions and accommodate the increasing number of inmates committed to the existing seven (7) prison and penal farms, is to prevent the taking advantage of lax general rules for all inmates that allow high-level illegal-drugs offenders to continue their nefarious activities. The aims of this measure are:

1) To keep the high-level illegal-drugs offenders in a separate penal facility and sever any existing influence on other inmates; and,

2) To provide the high-level drug-offenders who are drug dependents themselves an effective drug rehabilitation program as an essential part of their reformation in preparation for their life outside of the penitentiary. Thus, the passage of this bill will strengthen the nation’s fight against drug crimes.

In this context, passage of the measure is earnestly requested.


VICENTE C. SOTTO III

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

SECTION 1. **Short Title.** – This Act shall be known as the “Anti-Drug
Penal Institution Act.”

SECTION 2. **Declaration of Policy.** - It is the policy of the State to
promote the general welfare and safeguard the basic rights of every prisoner
incarcerated in the national penitentiary. Furthermore, the State adheres to
the basic principle that the different categories of prisoners shall be kept in
separate institutions or parts of institutions, taking account of their sex,
age, criminal record, the legal reason for their detention and the necessities
of their treatment.

SECTION 3. **Definition of Terms.**

a) *Anti-Drug Penal Institution* – the penal institution established for
high-level drug offenders

b) *High-level drug offenders*– those inmates who are high-risk and
high profile as determined by the Anti-Drug Board taking into
consideration the following factors:

- i. the offense for which the detainees were convicted
- ii. history of offenses committed

1 iii. affiliations

2 c) *Inmates* – offenders convicted by the courts to serve sentences of
3 three years or more and kept at the prison facilities of the Bureau
4 of Corrections

5 d) *Uninhabited place* - is one where there are no houses at all, a place
6 at a considerable distance from town, or where houses are
7 scattered at a great distance from each other

8 SECTION 4. ***Creation of the Anti-Drug Penal Institution.*** –There
9 shall be established and maintained a secured, clean, adequately equipped
10 and sanitary national penitentiary for the custody and safekeeping of high-
11 level drug offenders under the operation of the Bureau of Corrections.

12 SECTION 5. ***Coverage.*** – This Act shall apply to all the high-level drug
13 offenders kept at the prison facilities of the Bureau of Corrections (BuCor).

14 SECTION 6. ***Location of the National Penitentiary.*** – The Anti-Drug
15 Penal Institution shall be built in a suitable public land to be determined by
16 the BuCor.

17 The penitentiary shall be highly secured and must be located in an
18 uninhabited place to ensure any unwarranted contact or communication
19 with those from the outside of the penal institution.

20 SECTION 7. ***Creation of an Anti-Drug Board.***– There shall be
21 established an Anti-Drug Board, hereinafter referred to as the Board, that
22 shall serve as overseer in the implementation of policies related to the
23 implementation of this Act, composed of the following members:

- 24 (a) Secretary of Justice, as Chairperson;
25 (b) Secretary of Interior and Local Government;
26 (c) Secretary of Social Welfare and Development;
27 (d) Director General of the Philippine Drug Enforcement Agency;
28 (e) Chairman of the Dangerous Drugs Board; and
29 (f) Chairperson of the Commission on Human;

1 The Vice-Chairperson shall be elected by its members from among
2 themselves every two (2) years.

3 SECTION 8. ***Transfer of Inmates.***– The transfer of inmates shall be
4 headed by the BuCor. The BuCor may seek the assistance of the
5 Department of Interior and Local Government (DILG), through the Philippine
6 National Police (PNP), when the means of transporting the inmates will be
7 done through the use of an aircraft or vessel. The expenses in relation to the
8 said transfer shall be charged against the budget of the BuCor.

9 During the transfer of inmates from the prison facilities of the BuCor
10 to the Anti-Drug Penal Institution, they shall be exposed to public view as
11 little as possible, and proper safeguards shall be adopted to protect them
12 from insult, curiosity and publicity in any form. Moreover, any
13 inconvenience or unnecessary physical hardships on the inmates while they
14 are being transferred shall be prohibited.

15 Separate vehicles should be used for male and female prisoners.

16 When the transfer has been fully executed, a report jointly prepared
17 by the PNP and the BuCor shall be submitted to the President of the Senate
18 and the Speaker of the House of Representatives.

19 SECTION 9. ***Duration/Period of Transfer of Prisoners.***– The
20 transfer of inmates shall be made within a period of 30 days from the
21 completion of the construction of the Anti-Drug Penal Institution.

22 SECTION 10. ***Conduct of Inspection.*** – An internal inspection, which
23 is conducted by the prison administration, and an external inspection,
24 which is conducted by Anti-Drug Board, shall be conducted on a regular
25 basis to ensure that the institution is administered in accordance with
26 existing laws and regulations and to bring about the attainment of the
27 objectives of the penal system.

28 SECTION 11. ***Conduct of Random Drug Testing.*** – There shall be
29 conducted a regular random drug testing among the inmates in the Anti-
30 Drug Penal Institution. The random drug testing shall be done by any

forensic laboratories or by any of the drug testing laboratories accredited and monitored by the Department of Health (DOH) to safeguard the quality of test results.

SECTION 12. **Personnel.** – A personnel-to-inmate ratio lesser than what is provided in Republic Act No. 10575, otherwise known as The Bureau of Corrections Act of 2013, to be determined by the Anti-Drug Board shall be followed. However, the qualification standards and training of personnel as provided in Republic Act No. 10575, and such other laws amending the same or relative therein, shall be maintained in the Anti-Drug Penal Institution.

SECTION 13. **Penitentiary Facilities.** – The Anti-Drug Penal Institution shall have the same design of prison facilities, reformation and administrative facilities as all the other prisons and penal farms of the BuCor, such as, but not limited to, the following:

- a) Dormitory;
- b) Administration building;
- c) Perimeter/Security fences;
- d) Hospital/Infirmary;
- e) Recreation/Multipurpose hall;
- f) Training/Lecture center;
- g) Workshop facility;
- h) Mess hall/kitchen;
- i) Visiting area;
- j) Water tank and pump;
- k) Reception and diagnostic center; and
- l) Service personnel facilities.

In addition to the foregoing, the Anti-Drug Penal Institution shall have a drug abuse treatment and rehabilitation center.

SECTION 14. **Information Technology Systems.**– The BuCor shall make sure that there will be an effective and efficient information technology

1 systems to be used in the build-up, maintenance and transmittal of
2 necessary inmate records to all the prison and penal farms of the BuCor and
3 other authorized government agencies.

4 SECTION 15. **Implementing Rules and Regulations.**– Within six (6)
5 months from the effectivity of this Act the Anti-Drug Board shall promulgate
6 rules and regulations necessary to ensure the effective implementation of
7 this Act.

8 SECTION 16. **Reportorial Requirements.**– The Anti-Drug Board shall
9 submit a biannual report to the President of the Senate and the Speaker of
10 the House of Representatives starting from the commencement of the
11 construction of the Anti-Drug Penal Institution until its completion. Prior to
12 the completion of the construction of the Anti-Drug Penal Institution, the
13 report shall include the progress of the construction and the information on
14 the application of the budget in relation to the aforesaid construction.

15 When the premises of the Anti-Drug Penal Institution has been
16 completed and occupied by the high-level drug offenders, the report on the
17 status of the implementation of this Act shall be submitted annually.

18 SECTION 17. **Funding Source.** - The funds required for the
19 implementation of this Act shall be taken from the budget of the BuCor for
20 the current fiscal year and also from the following:

21 (a) Collections from clearances and certification fees;

22 (b) Income from institutional projects subject to memoranda of
23 agreements (MOAs), contracts or joint venture agreements; and

24 (c) Other miscellaneous incomes (outside MOAs and contracts), such as:

25 (1) Penal farm agro-production; and

26 (2) Inmate handicraft industry.

27 Thereafter, such amounts as may be necessary to implement this Act
28 shall be included in the annual General Appropriations Act.

1 SECTION 18. ***Separability Clause.***– If any of provision of this Act is
2 held invalid or unconstitutional, the same shall not affect the validity and
3 effectivity of the other provisions hereof.

4 SECTION 19. ***Repealing Clause.*** – All laws, decrees, orders, and
5 issuances, or portions thereof, which are inconsistent with the provisions of
6 this Act, are hereby repealed, amended or modified accordingly.

7 SECTION 20. ***Effectivity Clause.*** – This Act shall take effect fifteen
8 (15) days after its publication in the *Official Gazette* or in two (2) newspapers
9 of general circulation.

Approved,