



SENATE

S. No. 1055

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PREPARED BY THE COMMITTEES ON JUSTICE AND HUMAN RIGHTS; PUBLIC ORDER AND DANGEROUS DRUGS; AND FINANCE, WITH SENATORS SOTTO III, GORDON, ZUBIRI AND DELA ROSA AS AUTHORS THEREOF

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AN ACT ESTABLISHING A SEPARATE FACILITY FOR PRISONERS CONVICTED OF HEINOUS CRIMES

*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  
2           “Separate Facility for Heinous Crimes Inmates Act”.

3           SEC. 2. *Declaration of Policy.* – It is the policy of the  
4           State to promote the general welfare and safeguard the  
5           basic rights of every prisoner incarcerated in the national  
6           penitentiary. Furthermore, the State adheres to the basic  
7           principle that the different categories of prisoners shall be  
8           kept in separate institutions or parts of institutions, taking

1 account of their sex, age, criminal record, the legal reason  
2 for their detention and the necessities of their treatment.

3 SEC. 3. *Definition of Terms.* –

4 (a) *High-level Offenders* – shall refer to offenders  
5 convicted of heinous crimes and are convicted of *reclusion*  
6 *perpetua* or life imprisonment shall be considered as  
7 high-level offenders. Heinous crimes are those crimes  
8 which are heinous for being grievous, odious, and hateful  
9 offenses and which by reason of their inherent or manifest  
10 wickedness, viciousness, atrocity, and perversity or  
11 repugnant and outrageous to the common standards and  
12 norms of decency and morality in a just, civilized, and  
13 orderly society.

14 (b) *Inmates* – shall refer to an inmate sentenced by a  
15 court to serve a term of imprisonment for more than three  
16 (3) years or to a fine of more than One thousand pesos  
17 (P1,000); or regardless of the length of sentence imposed by  
18 the court, to one (1) sentenced for violation of customs law  
19 or other laws within the jurisdiction of the Bureau of  
20 Customs or enforceable by it; or for violation of

1 immigration and election laws; or to one (1) sentenced to  
2 serve two (2) or more prison sentences in the aggregate  
3 exceeding the period of three (3) years, whether or not he  
4 has appealed. It shall also include a person committed to  
5 the Bureau of Corrections (BuCor) by a court or competent  
6 authority for temporary confinement for similar purpose.

7 (c) *Secure and isolated place* – shall refer to a safe  
8 and remote place that has minimal contact with civilian  
9 communities that would ensure the safety and security of  
10 the former and prevent the facility from possible intrusion  
11 or intruders.

12 (d) *Heinous Crimes* – shall refer to crimes defined  
13 under Republic Act No. 7659, which are considered as  
14 heinous for being grievous, odious and hateful offenses and  
15 which, by reason of their inherent or manifest wickedness,  
16 viciousness, atrocity and perversity are repugnant and  
17 outrageous to the common standards and norms of decency  
18 and morality in a just, civilized and ordered society.  
19 Heinous crimes shall include the following: treason; piracy  
20 in general and mutiny on the high seas in Philippine

1 waters; qualified piracy; qualified bribery; parricide;  
2 murder; infanticide; kidnapping and serious illegal  
3 detention, robbery with violence against or intimidation of  
4 persons; destructive arson; and rape.

5       SEC. 4. *Creation of Heinous Crimes Facility.* – There  
6 shall be established and maintained a secure, clean,  
7 adequately equipped and sanitary national penitentiary for  
8 the custody and safekeeping of offenders convicted of  
9 heinous crimes under the operation of the Bureau of  
10 Prisons.

11       SEC. 5. *Coverage.* – This Act shall apply to all high  
12 level heinous crimes offenders kept at the prison facilities  
13 of the Bureau of Corrections (BuCor).

14       SEC. 6. *Transfer of Heinous Crimes Offenders to the*  
15 *Heinous Crimes Facilities.* – The transfer of inmates shall  
16 be headed by the BuCor. The BuCor may seek the  
17 assistance of the Department of the Interior and Local  
18 Government (DILG), through the Philippine National  
19 Police (PNP), when the means of transporting the inmates  
20 will be done through the use of an aircraft vessel. The

1 expenses in relation to the said transfer shall be charged  
2 against the budget of the BuCor.

3         During the transfer of inmates from the prison  
4 facilities of the BuCor to the Heinous Crimes Facility, they  
5 shall be exposed to public view as little as possible, and  
6 proper safeguards shall be adopted to protect them from  
7 insult, curiosity and publicity in any form. Moreover, any  
8 inconvenience or unnecessary physical hardships on the  
9 inmates while they are being transferred shall be  
10 prohibited.

11         Separate vehicles should be used for male and female  
12 prisoners: *Provided*, That women inmates and minors  
13 between fifteen (15) and seventeen (17) years of age shall  
14 be transferred and kept in a separate building inside the  
15 heinous crime facility.

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

1           The transfer of inmates shall be made within a period  
2 of thirty (30) days from the completion of the construction  
3 of the Heinous Crimes Facility.

4           SEC. 7. *Location of the Heinous Crime Facility.* – The  
5 Heinous Crime Facility shall be built in a suitable location  
6 to be determined by the Secretary of Justice, preferably  
7 within a military establishment or in an island separate in  
8 the mainland. The Heinous Crime Facility shall be located  
9 in a secured and isolated place ensuring that there is no  
10 unwarranted contact or communication with those outside  
11 of the penal facilities. There shall be three (3) Heinous  
12 Crimes Facility for heinous crimes starting in Luzon, then  
13 in Visayas and Mindanao.

14           SEC. 8. *The Facility.* – The Heinous Crime Facility  
15 shall be a state-of-the-art facility with surveillance  
16 cameras, latest information and security system capable of  
17 24/7 monitoring of prisoners, and with enhanced and  
18 extensive security features on locks, doors, and its  
19 perimeters.

1           The facility shall be maintained clean and habitable  
2   at all times. Sanitary and hygienic comfort rooms shall be  
3   provided and maintained. Due regard shall be given to the  
4   mental health issues and needs of inmates. Prisoners shall  
5   have access to necessary health care services without  
6   discrimination on the grounds of their legal status.

7           SEC. 9. *Visitation.* – Family and immediate relatives  
8   are allowed to visit the inmates, subject to further rules  
9   and regulations imposed.

10          SEC. 10. *Conduct of Inspection.* – An internal  
11   inspection by the prison administration, and an external  
12   inspection by the Department of Justice (DOJ), shall be  
13   conducted on a regular basis to ensure that the facility is  
14   administered in accordance with existing laws and  
15   regulations and to bring about the attainment of the  
16   objectives of the penal system.

17          SEC. 11. *Conduct of Random Drug Testing.* – There  
18   shall be conducted a regular random drug testing among  
19   the inmates in the Heinous Crimes Facility. The random  
20   drug testing shall be done by any forensic laboratories or

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

4       SEC. 12. *Joint Congressional Oversight Committee on*  
5 *Separate Facility for Heinous Crimes Inmates Act.* – There  
6 is hereby created a Joint Congressional Oversight  
7 Committee composed of the Chairman of the Senate  
8 Committee on Justice and Human Rights and the  
9 Chairman of the House Committee on Justice, with four (4)  
10 members each from both Houses. The said members shall  
11 be duly appointed by the Senate President and the Speaker  
12 of the House of Representatives from the members of the  
13 respective committee based on the proportional  
14 representation of the parties or coalition therein.

15       The Joint Oversight Committee shall review and  
16 monitor its proper implementaion.

17       SEC. 13. *Information Technology Systems.* – The  
18 BuCor shall make sure that there will be an effective and  
19 efficient information technology systems to be used in the  
20 build-up, maintenance and transmittal of necessary inmate



1 records to all the prison and penal farms of the BuCor and  
2 other authorized government agencies.

3         SEC. 14. *Implementing Rules and Regulations (IRR).*

4         – The Secretary of Justice shall promulgate the IRR of this  
5 Act within ninety (90) days upon its effectivity.

6         SEC. 15. *Reportorial Requirement.* – The BuCor shall  
7 submit a biannual report to the President of the Senate  
8 and the Speaker of the House of Representatives starting  
9 from the commencement of the construction of the heinous  
10 crimes facility until its completion. Prior to the completion  
11 of the construction of the heinous crimes facility, the report  
12 shall include the progress of the construction and the  
13 information on the application of the budget in relation to  
14 the aforesaid construction. When the premises of the  
15 heinous crimes facility has been completed and occupied  
16 and occupied by the high-level drug offenders, the report  
17 on the status of the implementation of this Act shall be  
18 submitted annually.

19         SEC. 16. *Funding Source.* – The funds required for the  
20 implementation of this Act shall be taken from the budget

1 of the Department of Justice for the current fiscal year.  
2 Thereafter, such amounts as may be necessary to  
3 implement this Act shall be included in the annual General  
4 Appropriations Act.

5       SEC. 17. *Separability Clause.* – If any portion or  
6 provision of this Act is declared unconstitutional, the  
7 remainder of this Act or any provision not affected thereby  
8 shall remain in force and effect.

9       SEC. 18. *Repealing Clause.* – All laws, decrees, orders,  
10 and issuances, or portions thereof, which are inconsistent  
11 with the provisions of this Act, are hereby repealed,  
12 amended or modified accordingly.

13       SEC. 19. *Effectivity.* – This Act shall take effect after  
14 fifteen (15) days following the completion of its publication  
15 either in the *Official Gazette* or in a newspaper of general  
16 circulation in the Philippines.

Approved,