

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



Senate
Office of the Secretary

'19 OCT -2 P7:20

SENATE

S. No. 1100

RECEIVED

Introduced by SENATOR RONALD "BATO" DELA ROSA

AN ACT

TRANSFERRING THE CONTROL AND SUPERVISION OF THE PROVINCIAL AND SUB-PROVINCIAL JAILS TO THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990" AS AMENDED, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

As declared in the 1987 Philippine Constitution under Article II, Section 5 thereof, it is the policy of the state to maintain peace and order, protect life, liberty and property, and promote the general welfare which are essential for the enjoyment by all the people of the blessings of democracy. Further, Section 2 of Republic Act No. 9263 recognizes the responsibility of the state to strengthen government capability aimed towards the strengthening of the delivery of basic services to the citizenry through the institutionalization of highly efficient and competent jail services.

Currently, local jails are under the jurisdiction of two different authorities. City, Municipal and District jails are under the Bureau of Jail Management and Penology (BJMP) while Provincial and Sub-Provincial jails are under the concerned provincial government. This setup hinders the advancement of a national standard in the operational management of all local jails that aims toward more effective rehabilitation of inmates.

Therefore, to improve the existing penal system in the country for the adequate and efficient protection of prisoners and detainees, this bill seeks to transfer the

management, control and supervision of provincial and sub-provincial jails to the BJMP. The transfer of management will result to uniform standards, policies and guidelines in the administration of local jails and for the advancement of the welfare of inmates and detainees.

In view of the foregoing, I earnestly sought the approval of this proposed measure.


RONALD "BATO" DELA ROSA



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REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS THE "DEPARTMENT OF
THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990" AS AMENDED, AND
FOR OTHER PURPOSES

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

1 Sec. 1. Section 61 of Republic Act No. 6975, otherwise known as the
2 "Department of Interior and Local Government Act of 1990" is hereby amended to
3 read as follows:

4 "Section 61. *Powers and Functions.* – The Jail Bureau shall exercise
5 supervision and control over all **PROVINCIAL, SUB-PROVINCIAL,**
6 city and municipal jails. [~~The provincial jails shall be supervised and~~
7 ~~controlled by the provincial government within its jurisdiction, whose~~
8 ~~expenses shall be subsidized by the National Government for not more~~
9 ~~than three (3) years after the effectivity of this Act.]"~~

10

11 Sec. 2. Section 62 of Republic Act No. 6975 is hereby amended to read as
12 follows:

13 "Section 62. *Organization.* –

14 XXX XXX

15

1 The jail Bureau shall be composed of **PROVINCIAL, SUB-**
2 **PROVINCIAL**, city and municipal jails, each headed by a [~~city or~~
3 ~~municipal~~] jail warden: Provided, That, in the case of large
4 **PROVINCES**, cities and municipalities, a district jail with subordinate
5 jails headed by a district jail warden may be established as necessary.

6 XXX XXX”

7
8 Sec. 3. Section 63 of Republic Act No. 6975, is hereby amended to read as
9 follows:

10 “Section 63. *Establishment of **PROVINCIAL, SUB-PROVINCIAL,***
11 *District, City or Municipal Jail.* – There shall be established and maintained
12 in every **PROVINCE**, district, city and municipality a secured, clean
13 adequately equipped and sanitary jail for the custody and safekeeping of
14 **PROVINCIAL**, city and municipal prisoners, any fugitive from justice, or
15 person detained awaiting investigation or trial and/or transfer to the
16 national penitentiary, and/or violent mentally ill person who endangers
17 himself or the safety of others, duly certified as such by the proper medical
18 or health officer, pending the transfer to a medical institution.

19 Sec. 4. The management, supervision and control of provincial and sub-
20 provincial jails, including all its property, equipment, and finances, are hereby
21 transferred to the Bureau of Jail Management and Penology (BJMP): *Provided*, That
22 the concerned Provincial Government shall continue funding the subsistence allowance
23 of inmates and the maintenance of jail facility including but not limited to electric and
24 water expenses and necessary repairs until such time that the total control and
25 supervision of the facility has been transferred to the BJMP.

26 Sec. 5. The existing employees and personnel of Provincial and Sub-Provincial
27 Jails shall enjoy security of tenure and shall be absorbed by the BJMP subject to the
28 qualification standards as provided for in Republic Act No. 9263 and other laws, rules
29 and regulation of the Civil Service Commission: *Provided*, That those who will fail to

1 comply with the qualification standards at the time of transfer shall be given a
2 reasonable period from the enactment of this Act to complete the necessary
3 requirements for the concerned position.

4 Employees opting to be separated from the service as a result of the transfer
5 under the provisions of this Act shall receive separation benefits in accordance with
6 existing laws. In addition, those who are qualified to retire shall be allowed to do so
7 and be entitled to all benefits provided for under existing retirement laws.

8 *Sec. 7. Separability Clause.* – If any portion or provision of this Act is declared
9 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
10 remain in force and effect.

11 Sec 8. All laws, decrees, executive orders and other presidential issuances
12 which are inconsistent with this Act are hereby repealed, or amended or modified
13 accordingly.

14 Sec. 9. This Act shall take effect fifteen (15) days after its publication in the
15 Official Gazette or in any newspaper of general circulation.

Approved,