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SENATE

P.S. Res. No. 208

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Introduced by **SENATOR LEILA M. DE LIMA**

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**RESOLUTION**  
**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT**  
**AN INVESTIGATION, IN AID OF LEGISLATION, ON THE INCESSANT**  
**DEATHS OF BILIBID INMATES DUE TO LACK OF BASIC NECESSITIES**  
**AND PROPER MEDICAL TREATMENT ,WITH THE END IN VIEW OF**  
**STRENGTHENING THE ACCOUNTABILITY MECHANISMS APPLIED TO**  
**BUREAU OF CORRECTION (BUCOR) OFFICIALS AND STAFF,**  
**ADDRESSING POSSIBLE CORRUPT PRACTICES IN THE BUCOR AND**  
**INSTITUTING CORRECTIVE LEGISLATIVE MEASURES TO ENSURE**  
**FULL RESPECT FOR BASIC HUMAN RIGHTS, ESPECIALLY THE RIGHT**  
**TO LIFE**

1 WHEREAS, the Philippines is a State Party to United Nations treaties and  
2 instruments concerning persons deprived of liberty, particularly the United Nations'  
3 International Covenant on Civil and Political Rights (UN-ICCPR). Article 10 (1) of the  
4 UN-ICCPR assures that "All persons deprived of their liberty shall be treated with  
5 humanity and with respect for the inherent dignity of the human person";

6 WHEREAS, Article III, Section 19 of the 1987 Constitution mandates that "[t]he  
7 use of substandard or inadequate penal facilities under subhuman conditions shall be  
8 dealt with by law".

9 WHEREAS, the Constitution further provides, in Article III, Section 1, that "No  
10 person shall be deprived of life, liberty, or property without due process of law, nor  
11 shall any person be denied the equal protection of the laws";

12 WHEREAS, the congestion rate inside New Bilibid Prison (NBP) is reported to  
13 be at its peak of 332 percent of its capacity. Based on data provided by the Bureau of  
14 Corrections, there are 27,000 convicts serving their respective sentence in the BBP

1 complex. Alarming, the NBP has been assessed to accommodate only around 6,435  
2 inmates.<sup>1</sup>

3 WHEREAS, the problem of congestion hounds our correctional and prison  
4 system. While the total prison system can only officially accommodate 40,610 inmates,  
5 there are over 188,000 crammed into the seven national prisons, and the 926 city,  
6 district, municipal and provincial jails. Three out of four of these inmates — whose  
7 crimes range from simple theft to murder and drug-dealing — are still awaiting trial;<sup>2</sup>

8 WHEREAS, a wife of an inmate and head of the *Samahan ng mga Pamilya na*  
9 *Nasa Death Row* alleges that eight of the inmates allegedly died due to dehydration  
10 and the lack of basic necessities and proper medical attention;<sup>3</sup>

11 WHEREAS, the Bureau of Corrections (BuCor) was said to have cut off the  
12 delivery of clean water, destroyed prisoners' sleeping quarters, made it more difficult  
13 for inmates to receive prescription from their families, and suspended visitation rights,  
14 as part of the "intensive clearing operations" launched by new BuCor Director-General  
15 Gerald Bantag supposedly to rid the national penitentiary of illegal drugs and other  
16 contrabands;<sup>4</sup>

17 WHEREAS, during the Senate hearings on the corruption issues at the BuCor,  
18 Director for Health Services Ernesto Tamayo told the Senate Committee on Justice  
19 that 20 percent of the total population of the NBP die annually due to various  
20 illnesses.<sup>5</sup> He added that pulmonary tuberculosis (PTB) is the most common health  
21 issue among inmates.<sup>6</sup>

22 WHEREAS, in the same hearings, the Senate discovered through one of BuCor's  
23 food providers that there is a very meager allotment of ₱39 pesos as daily meal budget  
24 for inmates, way below the appropriated ₱60 per person deprived of liberty (PDL)  
25 under the 2018 General Appropriations Act;<sup>7</sup>

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<sup>1</sup> Cabalza, D. (31 October 2019). *Bilibid conditions deplored after demolition of 'kubol'*. Retrieved from:  
<https://newsinfo.inquirer.net/1183852/bilibid-conditions-deplored-after-demolition-of-kubol>

<sup>2</sup> Philippine Daily Inquirer Editorial ( 30 October 2019) Hellhole. Retrieved from:  
<https://opinion.inquirer.net/124911/hellhole>

<sup>3</sup> *Ibid*

<sup>4</sup> *Ibid*

<sup>5</sup> Terrazola, Vanne and Noreen Jazul (3 October 2019) BuCor inmates survive on P39 daily meal budget; 5,000 prisoners die yearly. Retrieved from: <https://news.mb.com.ph/2019/10/03/bucor-inmates-survive-on-p39-daily-meal-budget-5000-prisoners-die-yearly/>

<sup>6</sup> Cerrudo, Aileen (3 October 2019) *Hospital chief: 5,200 inmates die in Bilibid every year*. Retrieved from:  
<https://www.untvweb.com/news/hospital-chief-5200-inmates-die-in-bilibid-every-year/>

<sup>7</sup> Terrazola, *Ibid*



1 WHEREAS, as a result of the meager food budget, NBP inmate Godfrey  
2 Gamboa claims that PDLs are suffering from gross malnutrition.<sup>8</sup> He also claims that  
3 some have died of food poisoning from eating spoiled food;<sup>9</sup>

4 WHEREAS, Human Rights groups and the Samahan ng mga Pamilya na Nasa  
5 Death Row calls the government to look into the horrendous and unacceptable  
6 “humanitarian crisis” inside the NBP which the BuCor fails to acknowledge and even  
7 neglects, leading to numerous deaths. BuCor, by its own data, reveals that the bulk of  
8 inmate deaths in our prison facilities occurred at NBP, accounting for 329 lives lost of  
9 the 507 deaths annually reported in the agency’s seven prisons and penal farms;<sup>10</sup>

10 WHEREAS, recent news headlines reports that there was another wave of  
11 deaths accounting to 29 prisoners within a 17-day period last October. These  
12 intolerable deaths are a “grisly record” that cannot be set aside, but rather, deserves to  
13 be looked into and addressed with the help of an independent and compassionate eye  
14 of the Senate;<sup>11</sup>

15 WHEREAS, even though the PDLs are incarcerated due to their conflict with  
16 the law, there is no valid justification for treating them less than humans and  
17 subjecting them to subhuman conditions;

18 WHEREAS, if this administration was able to increase borrowings and taxation  
19 over the past couple of years, surely it can find the funds necessary to provide basic  
20 decent living conditions for our PDLs;

21 WHEREAS, the basic and decent living condition for the PDLs is non-  
22 negotiable and not subject to any diminution by operation of our laws and our legal  
23 and administrative processes;

24 WHEREAS, deprivation of humane living conditions during incarceration  
25 constitutes cruelty in the administration of justice and is punishable by law;

26 WHEREAS, a public official who shall “overdo himself in the correction or  
27 handling of a prisoner or detention prisoner under his charge, by the imposition of  
28 punishment not authorized by the regulations, or by inflicting such punishment in a  
29 cruel and humiliating manner” is punishable under Art. 235 of the Revised Penal Code  
30 for maltreatment of prisoners;

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<sup>8</sup> *Ibid*

<sup>9</sup> Cerrudo, *Ibid*.

<sup>10</sup> Cabalza, Dexter and Leila Salaverria (29 October 2019) *29 New Bilibid Prison inmates dead in 17 days*. Retrieved from: <https://newsinfo.inquirer.net/1182812/29-new-bilibid-prison-inmates-dead-in-17-days>

<sup>11</sup> *Ibid*

1 WHEREAS, more than our legal obligations under our laws and international  
2 commitments, it is our moral obligation as human beings to treat our PDLs humanely  
3 and compassionately; the same way we want our loved ones to be treated if they suffer  
4 the unfortunate fate of incarceration, heaven forbid;

5 **NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY**  
6 **RESOLVED**, to direct the appropriate Senate Committee to conduct an investigation,  
7 in aid of legislation, on the incessant deaths of Bilibid inmates due to lack of basic  
8 necessities and proper medical treatment, with the end in view of strengthening the  
9 accountability mechanisms applied to Bureau of Correction officials and staff,  
10 addressing possible corrupt practices in the BuCor, and instituting corrective  
11 legislative measures to ensure full respect for basic human rights, especially the right  
12 to life.

*Adopted,*

  
LEILA M. DE LIMA