

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



'22 NOV -3 P5 :40

SENATE
S. No. 1453

RECEIVED BY: _____

Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT
MANDATING THE REPORTING OF DEATHS AND ILLNESSES OF PERSONS DEPRIVED OF LIBERTY AND DETAINED CHILDREN IN CONFLICT WITH THE LAW, PENALIZING NON-REPORTING AND FALSE REPORTING OF DEATHS THEREOF, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Under Rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners or the Nelson Mandela Rules, “[a]ll prisoners shall be treated with the respect due to their inherent dignity and value as human beings...”.

The Bureau of Corrections (BuCor) has recently reported that even before the COVID-19 pandemic, at least 3 Persons Deprived of Liberty (PDLs) died in their facilities each day. In 2021, 1,166 out of 48,501 PDLs died inside jail facilities. The recorded deaths were the highest in 32 years, the report added. From January to September this 2022, the data also revealed that more than 700 inmates have died.

In an article published by The Telegraph in December 2017, entitled, “Faking your own death: How the Philippines became the global leader for a macabre trade,” it has detailed how deaths could be faked to escape financial debt burden. According to the author who visited the Philippines and stayed for a week, the death certificate was obtained from the locals, who had connections with “a mole working inside a government agency.” To an extent, a black market even sells dead bodies to use as proof of death for the insurance companies.

In July 2020, the sudden death of Jaybee Sebastian, a high-profile criminal with strong links to prison drug trade, and eight other high-profile inmates, allegedly due to COVID-19, has been beset by doubts. After two years, the National Bureau of Investigation (NBI) had filed a murder case for the death of eight inmates who died

from May to June 2020. Where high-profile inmates 'gradually disappeared' from Bilibid's isolation facility, COVID-19 was allegedly used to cover up the real cause of their deaths.

Recently, the reported death of the alleged middleman in the plot to murder veteran broadcaster Percy Lapid died at the New Bilibid Prison, raising similar concerns on suspicious deaths under the custody of our penal system.

The late reporting of deaths of these high-profile inmates, and the veracity of these reports have been strongly questioned. The Filipinos have the right to know what really happened with these inmates.

In light of these recent controversies, the bill seeks to address the seemingly lack of laws regarding the reporting of deaths and illnesses of PDLs and detained children in conflict with the law (CICL) by enacting a mandatory reporting of the deaths of PDLs and CICLs to the Supreme Court, Executive Department, and the Commission on Human Rights (CHR). The bill also proposes the automatic investigation regarding the deaths of PDLs and CICLs who died under suspicious circumstances and mandatory autopsy of PDLs and CICLs who have been charged or convicted of a heinous crime or crimes punishable by death, reclusion perpetua, or life imprisonment, or one who died unexpectedly or under suspicious circumstances.

This bill has been previously filed by Sen. Richard J. Gordon in the 18th Congress.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



RAMON BONG REVILLA, JR.

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**AN ACT
MANDATING THE REPORTING OF DEATHS AND ILLNESSES OF PERSONS
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LAW, PENALIZING NON-REPORTING AND FALSE REPORTING OF DEATHS
THEREOF, AND FOR OTHER PURPOSES**

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 the "*Death in Custody*
2 *Reporting Act of 2022.*"

3 Sec. 2. *Declaration of Policy.* -It is the declared policy of the State to ensure
4 that the execution of sentences is properly and completely served, within the bounds
5 of the law. Furthermore, it is in the interest of the State to investigate all suspicious
6 deaths of persons in custody to ensure the proper dispensation of justice. For this
7 purpose, sufficient mechanisms for proper monitoring of deaths in custody shall be in
8 place.

9 Sec. 3. *Definition of Terms.* - As used in this Act:

10 a. Child in conflict with the law (CICL) - refers to a detained child who is accused
11 of, or adjudged as, having committed an offense under Philippine laws;

12 b. Person Deprived of Liberty (PDL) - refers to a person who has been arrested,
13 held in lawful custody, or detained, or imprisoned awaiting or pending trial, or
14 execution of a lawful sentence;

15 c. Jail - refers to a place of confinement for inmates under investigation or
16 undergoing trial, or serving short-term sentences. Jails include provincial,
17 district, city and municipal jails managed and supervised by the Provincial

1 Government and the Bureau of Jail Management and Penology (BJMP),
2 respectively, which are both under the Department of the Interior and Local
3 Government (DILG).

4 d. Prison - refers to the national prisons or penitentiaries managed and
5 supervised by the Bureau of Corrections (BuCor), an agency under the
6 Department of Justice (DOJ).

7 e. Suspicious circumstances - refer to circumstances which would lead a
8 reasonable man — based on his skills, experience, and/or understanding of the
9 circumstances — that there is a possibility that the death of a PDL or CICL is
10 fictitious or caused by unlawful means.

11 f. Youth Detention Home - refers to a 24-hour child-caring institution managed
12 by accredited local government units (LGUs) and licensed and/or accredited
13 non-government organizations (NGOs) providing short-term residential care for
14 CICL who are awaiting court disposition of their cases or transfer to other
15 agencies or jurisdictions.

16 g. Youth Rehabilitation Center - refers to a 24-hour residential care facility
17 managed by the Department of Social Welfare and Development (DSWD),
18 LGUs, licensed and/or accredited NGOs monitored by the DSWD, which
19 provides care, treatment and rehabilitation services for CICL. Rehabilitation
20 services are provided under the guidance of a trained staff, where residents
21 are cared for under a structured therapeutic environment, with the end view of
22 reintegrating them into their families and communities as socially functioning
23 individuals. Physical mobility of residents of said centers may be restricted
24 pending court disposition of the charges against them.

25 *Sec. 4. Reporting of Death Information.* -The BuCor, the BJMP, wardens of the
26 provincial jails and heads of youth detention homes and youth rehabilitation centers
27 shall submit the following:

28 a. Report to the Executive. - A monthly report to the DOJ, DILG, and DSWD
29 on the deaths of PDLs or CICLs: *Provided*, That in case the PDL or CICL
30 has been charged or convicted of a heinous crime or crimes punishable
31 by death, reclusion perpetua, or life imprisonment, the BuCor, BJMP,
32 wardens of the provincial jails, and heads of youth detention homes and

1 youth rehabilitation centers shall notify the DOJ, DILG and DSWD
2 immediately upon the death of the PDL or CICL, through both modern
3 and traditional communication means and devices;

4 b. Report to The Supreme Court. - A report to the Supreme Court, through
5 the Office of the Court Administrator, immediately upon the death of
6 PDLs and CICLs charged or convicted of a heinous crime or crimes
7 punishable by death, reclusion perpetua, or life imprisonment; and

8 c. Report to the Commission on Human Rights (CHR). - The reports
9 required under paragraphs (a) and (b) of this Section shall likewise be
10 submitted to the CHR.

11 *Sec. 5. Information Required.* - The reports required under Section 4 shall
12 contain information that includes:

- 13 1. The name, gender, race, ethnicity, and age of the deceased;
- 14 2. The date, time, and location of death;
- 15 3. The law enforcement agency that detained, arrested, or was in the
16 process of arresting the deceased;
- 17 4. A brief description of the circumstances surrounding the death; and
- 18 5. Other details as may be required by the implementing rules and
19 regulations.

20 *Sec. 6. Automatic Investigation.* - The DOJ, through the National Bureau of
21 Investigation (NBI), shall conduct *motu proprio* automatic investigation of PDLs and
22 CICLs who died under suspicious circumstances. Suspicious deaths in custody must
23 be investigated promptly by the DOJ, through the NBI, regardless of whether the
24 relatives of the deceased requested it. The main purpose of the investigation is to
25 clarify the circumstances surrounding the death of the PDLs and CICLs. The
26 investigation must seek, at least, to:

- 27 1. Obtain and preserve physical and documentary evidence in connection
28 with the death of the PDL and CICL;
- 29 2. Identify the deceased;
- 30 3. Identify possible witnesses and record their statements;
- 31 4. Determine the extent of involvement of all those implicated in the
32 death;

- 1 5. Establish the cause, manner, place and time of death, as well as any
2 pattern of practice that may have caused it;
- 3 6. Differentiate between natural death, accidental death, suicide, and
4 homicide. The scene of death should be regarded as potentially a crime
5 scene, especially if the death was unexpected or under suspicious
6 circumstances. The families of the PDL or CICL should be kept abreast
7 of the progress and findings of the investigation. The body of the
8 deceased shall be returned to the next of kin in a manner that is fully
9 respectful of the dignity of the deceased, upon completion of all post-
10 mortem examinations essential to the investigation.

11 *Sec. 7. Confirmatory Cause of Death and Autopsy.* - A thorough autopsy, by a
12 representative of the Department of Health (DOH), in mandatory in cases where the
13 deceased PDL or CICL has been charged or convicted of a heinous crime or crimes
14 punishable by death, reclusion perpetua, or life imprisonment, or one who died under
15 suspicious circumstances. A complete death certificate shall be issued to the next of
16 kin as soon as possible after the death.

17 *Sec. 8. Disposition of Cadaver in times of Public Health Emergency.* — The
18 mandatory cremation of the cadaver of a PDL or CICL, when public health requires as
19 determined by the DOH, shall be witnessed by the relatives of the deceased, not
20 exceeding four (4), if any, a representative of the DOH, and, as may be applicable, a
21 representative of the DOJ, DILG, or DSWD: *Provided,* That in case the PDL or CICL
22 has been charged or convicted of a heinous crime or crimes punishable by death,
23 reclusion perpetua, or life imprisonment, the cremation shall also be witnessed
24 members of the media, not exceeding ten (10).

25 *Sec. 9. Notification of Sick or Dead PDL.* — Whenever a PDL or a CICL is critically
26 ill or dies, the prison medical officer shall report the matter to the Superintendent,
27 who in turn shall notify the inmate's family immediately, by the fastest means of
28 communication available. Failure to comply with the legal duty herein required shall
29 render the Superintendent or such other officer in charge liable to civil damages.

30 *Sec. 10. Violations and Penalties.* -

- 31 a. Non-Reporting. Any official, head or officer-in-charge of the bureaus, penal
32 institutions, and detention and rehabilitation centers, who violates Section 4 of

1 this Act and/or any responsible officer who participated in the commission of
2 the crime, or who shall have knowingly permitted the omission shall, upon
3 conviction by final judgment, suffer the penalty of imprisonment of not less
4 than six (6) years but not more than twelve (12) years and a fine of not less
5 than Five Hundred Thousand pesos (P500,000.00) but not more than One
6 Million pesos (P1,000,000.00), at the discretion of the proper court.

7 b. False Reporting. In addition to the penalties prescribed in Articles 223, 224 and
8 225 of the Revised Penal Code, as amended, any person who shall make or
9 cause to be made a false or fictitious report of the death of a living PDL or a
10 CICL, with the intent of letting the PDL or CICL escape, shall be guilty of false
11 reporting and shall be punished by:

12 1. Life imprisonment in case the PDL or CICL has been convicted of a
13 heinous crime or is sentenced to life imprisonment, reclusion perpetua,
14 or death and a fine of not less than Two million pesos (P2,000,000.00)
15 but not more than Five million pesos (P5,000,000.00).

16 2. Imprisonment of not less than twelve (12) years but not more than
17 fifteen (15) years in case the PDL or CICL has been convicted of any
18 crime other than those stated in subsection (b)(1) and a fine of not less
19 than One million pesos (P1,000,000.00) but not more than Three million
20 pesos (P3,000,000.00).

21 3. Imprisonment of not less than six (6) years but not more than twelve
22 (12) years in case the PDL or CICL has not yet been convicted by final
23 judgment, and a fine of not less than Five hundred thousand pesos
24 (P500,000.00) but not more than One million pesos (P1,000,000.00).

25 Any person who participated in or facilitated the commission of the false
26 reporting, or who shall have knowingly permitted the commission thereof, shall be
27 liable as principals and shall suffer the penalties imposed in subsection (b) hereof.

28 Sec. 11. *Appropriation* - The amount necessary to effectively implement the
29 provision of this Act shall be included in the annual General Appropriations Act. The
30 priority will be the digitalization of all the PDL and CCIL's record, including the
31 corresponding training to operationalize the established system.

1 Sec. 12 *Implementing Rules and Regulations (IRR)*. - Within one hundred
2 twenty (120) days from the effectiveness of this Act, the DOJ and DILG, in
3 coordination with the BJMP and BuCor, shall jointly promulgate the rules and
4 regulations necessary for the effective implementation of this Act.

5 Sec. 13. *Separability Clause*. - If any portion of this Act is declared
6 unconstitutional or invalid, the portions or provisions which are not affected shall
7 continue to be in full force and effect.

8 Sec 14. *Repealing Clause*. - All laws, decrees, and orders inconsistent with the
9 provisions of this Act shall be considered amended or modified accordingly.

10 Sec. 15. *Effectivity Clause*. - This Act shall take effect fifteen (15) days following
11 its complete publication in the *Official Gazette* or in two (2) national newspapers of
12 general circulation in the Philippines.

Approved,