

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



Senate  
Office of the Secretary

23 MAR 22 P4:55

SENATE

S.B. No. 2037

RECEIVED BY: \_\_\_\_\_

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**Introduced by Sen. Juan Miguel F. Zubiri**

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**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**

The country's jail management is currently divided into two levels—the national and the provincial. The Bureau of Jail Management and Penology (BJMP) oversees city, municipal, and district jails, while provincial governments oversee provincial and sub-provincial jails. As of December 2019, there are 61 provincial and 23 sub-provincial jails in the country, operating under the management and administration of their respective provincial governments. In this system, wherein jail management is under BJMP-supervised city, municipal, and district jails, and provincial governments-supervised provincial and sub-provincial jails, prisoners are subjected to different standards of treatment.

This measure seeks to transfer the control and supervision of provincial and sub-provincial jails under the competent administration and management of the BJMP. Once passed, this bill will eliminate the disparity in the handling of our jails as the BJMP's policies and guidelines will be implemented in both BJMP-supervised city, municipal, and district jails, and provincial and sub-provincial jails ensuring a uniform national standard of jail management. With this proposal, detention facilities will be synchronized with BJMP's Manual on Habitat, Water, Sanitation, and Kitchen in Jails. The problem of congestion in our jails will also be better addressed under this proposal.

This proposed legislation is also envisioned to preserve the rights of Persons Deprived of Liberty (PDLs) as it warrants the safety of inmates, and persons in custody awaiting investigation.

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



**JUAN MIGUEL F. ZUBIRI**

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**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**

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

1           **SECTION 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 read  
3 as follows:

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

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

11           "Section 62. *Organization.* –  
12                           XXX    XXX

13           The jail Bureau shall be composed of **PROVINCIAL, SUB-PROVINCIAL**,  
14 city and municipal jails, each headed by a **PROVINCIAL**, city or municipal  
15 jail warden: Provided, That, in the case of large **PROVINCES**, cities and  
16 municipalities, a district jail with subordinate jails headed by a district jail  
17 warden may be established as necessary.

18                           XXX                   XXX"

1           **Sec. 3.** Section 63 of Republic Act No. 6975 is hereby amended to read as follows:

2           "Section 63. *Establishment of **PROVINCIAL, SUB-PROVINCIAL,***  
3           *District, City or Municipal Jail.* - There shall be established and maintained  
4           in every **PROVINCE**, district, city and municipality a secured, clean  
5           adequately equipped and sanitary jail for the custody and safekeeping of  
6           **PROVINCIAL**, city and municipal prisoners, any fugitive from justice, or  
7           person detained awaiting investigation or trial and/or transfer to the  
8           national penitentiary, and/or violent mentally ill person who endangers  
9           himself or the safety of others, duly certified as such by the proper medical  
10          or health officer, pending the transfer to a medical institution.

11          **Sec. 4.** The management, supervision and control of provincial and subprovincial  
12          jails, including all its property, equipment, and finances, are hereby transferred to the  
13          Bureau of Jail Management and Penology (BJMP): *Provided*, That the concerned  
14          Provincial Government shall continue funding the subsistence allowance of inmates and  
15          the maintenance of jail facility including but not limited to electric and water expenses  
16          and necessary repairs until such time that the total control and supervision of the facility  
17          has been transferred to the BJMP.

18          **Sec. 5.** The existing employees and personnel of Provincial and Sub-Provincial Jails  
19          shall enjoy security of tenure and shall be absorbed by the BJMP subject to the  
20          qualification standards as provided for in Republic Act No. 9263 and other laws, rules and  
21          regulation of the Civil Service Commission: *Provided*, That those who will fail to comply  
22          with the qualification standards at the time of transfer shall be given a reasonable period  
23          from the enactment of this Act to complete the necessary requirements for the concerned  
24          position.

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

29          **Sec. 6.** Implementing Rules and Regulations. - The Department of Interior and  
30          Local Government (DILG) and BJMP shall formulate the Implementing Rules and  
31          Regulations (IRR) within ninety (90) days upon the effectivity of this Act. The IRR shall  
32          take effect within fifteen (15) days after publication in the Official Gazette or in two (2)  
33          newspapers of general circulation. All subsequent amendments to the IRR shall also be  
34          published before taking effect.

1           **Sec. 7.** Separability Clause. - If any portion or provision of this Act is declared  
2 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
3 remain in force and effect.

4           **Sec 8.** Repealing Clause - All laws, decrees, executive orders and other  
5 presidential issuances which are inconsistent with this Act are hereby repealed, or  
6 amended or modified accordingly.

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

*Approved,*