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SENATE

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S. No. 2352

(In Substitution of Senate Bill Nos. 1451, 2014, and 2037)

Prepared jointly by the Committee on Public Order and Dangerous Drugs; and the Committee on Local Government with Senators Revilla Jr., Dela Rosa, Zubiri and Ejercito as authors thereof

AN ACT
TRANSFERRING THE CONTROL AND SUPERVISION OF THE PROVINCIAL AND SUB-PROVINCIAL JAILS TO THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* – This Act shall be known as the “Jail Integration Act.”

2 Sec. 2. *Declaration of Policy.* – It is the policy of the State to promote the
3 general welfare and safeguard the basic rights of persons deprived of liberty. Further,
4 the State recognizes the responsibility of the State to strengthen government
5 capability aimed towards the strengthening of the delivery of basic services to the
6 citizenry through the institutionalization of highly efficient and competent jail services.

7 Toward this end, the State shall provide uniform standards and policies in the
8 administration of jails and the safekeeping of persons deprived of liberty by placing
9 the administration of local jails to a single authority.

10 Sec. 3. *Transfer of Provincial and Sub-Provincial Jail.* – The control and
11 supervision over provincial and sub-provincial jail is hereby transferred to the Bureau
12 of Jail Management and Penology (BJMP).

1 For this purpose, the management, control, and supervision of existing
2 provincial and sub-provincial jails, including all its property, equipment, and finances,
3 shall be transferred to the BJMP, subject to existing laws.

4 *Sec. 4. Transition Period.* – For orderly transfer of management and operation
5 of provincial and sub-provincial jails, a three (3) year transition period is hereby
6 established, to commence from the date of the effectivity of this Act: *Provided,* That
7 during the transition period, the concerned Provincial Government shall continue
8 funding the subsistence allowance of inmates and the maintenance of jail facility
9 including but not limited to electric and water expenses and necessary repairs until
10 such time that the total and full control and supervision of the facility has been
11 transferred to the BJMP.

12 *Sec. 5. Provincial and Sub-Provincial Jail Employees.* – The existing employees
13 and personnel of Provincial and Sub-Provincial Jails shall enjoy security of tenure and
14 shall automatically be absorbed by the BJMP subject to the qualification standards as
15 provided for in Republic Act No. 9263, otherwise known as the “Bureau of Fire
16 Protection and Bureau of Jail Management and Penology Professionalization Act of
17 2004”, as amended and other applicable laws, pertinent rules and regulation of the
18 Civil Service Commission (CSC): *Provided,* That those who will fail to comply with the
19 qualification standards at the time of transfer shall be given five (5) years from the
20 lapse of the transition period as provided in this Act to complete the necessary
21 requirements for the concerned position: *Provided, further,* That for purposes of
22 computation of retirement and pension benefits, the term “active service” shall include
23 services rendered by employees affected in the provincial and sub-provincial jail prior
24 to the enactment of this Act: *Provided, finally,* That the Provincial Government is
25 hereby encouraged to automatically absorb those employees who have already
26 reached the mandatory retirement age in BJMP at the time of effectivity.

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

31 *Sec. 6. Appropriations.* – The initial amount necessary for the implementation
32 of this Act shall be charged against the current fiscal year’s appropriations of the

1 BJMP and concerned provincial government. Thereafter, such sums as may be
2 necessary for the continued implementation of this Act shall be included in the
3 annual General Appropriations Act.

4 *Sec. 7. Implementing Rules and Regulations.* – The Department of the Interior
5 and Local Government and BJMP, in coordination with the Provincial Governments,
6 CSC, and other stakeholders, shall within sixty (60) days from the effectivity of this
7 Act, promulgate the rules and regulations to effectively implement the provisions of
8 this Act.

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

12 *Sec. 9. Repealing Clause.* – Sections 61, 62 and 63 of Republic Act No. 6975,
13 otherwise known as the “Department of the Interior and Local Government Act of
14 1990”, as amended, are hereby amended or modified accordingly.

15 Any law, presidential decree or issuance, executive order, letter of instruction,
16 rule or regulation inconsistent with the provisions of this Act is hereby repealed or
17 modified accordingly.

18 *Sec. 10. Effectivity.* - This Act shall take effect fifteen (15) days following its
19 complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,