

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



Senate
Office of the Secretary

13 JUL 16 P4:37

SENATE

S. No. 793

RECEIVED BY: *ju*

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Article III, Section 19 of the Constitution provides for the proper protection of any prisoner or detainee against the employment of physical, psychological, or degrading punishment or the use of substandard and inadequate penal facilities under subhuman conditions. Towards this end, professionalism in the rehabilitation and treatment of prisoners, as well as other problems suffered by local jails and national prisons, should be sufficiently dealt with.

Throughout the country, the problem of congestion in jail facilities consequently causes jail disturbance, escapes, substandard living conditions, poor sanitation and hygiene-related diseases as the number of inmates in jails continue to increase. For this reason, an integrated prison and jail system is considered necessary to improve correctional services and solve the jail congestion problem nationwide.

This proposed bill gives way to an integrated prison and jail system that particularly aims to:

1. enhance coordination and harmonious relationship among personnel of the national, provincial, sub-provincial, district, city, and municipal jails;
2. avoid fraternization between jail personnel and prisoners through reshuffling of personnel from one jail to another; and
3. immediately respond to the logistical needs of each jail by easily adjusting the expenses of every jail depending upon the number of its prisoner at a given time.

This bill further seeks to improve the existing penal system in the Philippines by abolishing the Bureau of Corrections, Bureau of Jail Management and Penology, and the provincial jail services being maintained by the provincial governments. In lieu thereof, a coordinated, highly-efficient and competent corrections bureau, to be known as the Bureau of Correctional Services, will be established. This bureau will be responsible for the proper custody and rehabilitation of the inmates in the national prisons, as well as in the provincial, sub-provincial, district, city, and municipal jails in the country.

In view of the foregoing, the approval of this proposed bill is earnestly requested.

ANTONIO "SONNY" F. TRILLANES IV
Senator



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AN ACT

INTEGRATING ALL THE NATIONAL, PROVINCIAL, SUB-PROVINCIAL, CITY, AND MUNICIPAL JAILS, PLACING FOR THE PURPOSE THE BUREAU OF CORRECTIONS, PROVINCIAL/SUB-PROVINCIAL JAILS AND THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY UNDER A NEW BUREAU TO BE CALLED THE BUREAU OF CORRECTIONAL SERVICES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be in 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 "*Jail Integration Act*".

2
3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared to be the policy of the State to
4 establish a highly efficient and competent jail bureau which shall be responsible for the proper
5 custody and rehabilitation of the inmates in the provincial, sub-provincial, district, city, and
6 municipal jails. Towards this end, the State shall promote an effective rehabilitation program for
7 the inmates; provide standard and adequate jail facilities; establish uniform guidelines and
8 policies for the efficient management of the personnel and inmates of the national prisons and
9 the provincial, sub-provincial, district, city, and municipal jails; and professionalize all the
10 personnel thereof.

11
12 **SEC. 3. *Creation and Composition of the Bureau of Correctional Services.*** – The
13 Bureau of Correctional Services, hereinafter referred to as the Bureau, is hereby established and
14 constituted, which shall be placed under the direct control and supervision of the Department of
15 Justice (DOJ) and initially consisting of the Bureau of Corrections created pursuant to Section

1 26, Chapter 8, Title III, Book IV of the Revised Administrative Code of 1987; the Bureau of Jail
2 Management and Penology (BJMP) created pursuant to Republic Act No. 6975; and the
3 provincial, sub-provincial jail services maintained by the respective provincial governments.

4 Detention centers and lock-up cells being maintained by the Armed Forces of the
5 Philippines, Philippine National Police (PNP), Boys Town, Girls Center, and other existing
6 youth rehabilitation centers shall not be considered as included herein.

7
8 **SEC. 4. *Functions and Jurisdiction of the Bureau.*** – The Bureau shall be responsible
9 for the safe and efficient custody and effective rehabilitation of the prisoners within territorial
10 limits of the Philippines in consonance with the Constitutional mandate provided for under
11 Section 19 (2) of Article III. It shall exercise supervision and control over all national prisons,
12 provincial, sub-provincial, district, city, and municipal jails, and perform such other functions as
13 may be necessary to carry out the policies set forth under Section 2 hereof.

14 The bureau of Correctional Services shall absorb the functions of the Bureau of
15 Corrections, BJMP, and the provincial and sub-provincial jails maintained by their respective
16 provincial governments.

17
18 **SEC. 5. *Organization and Key Positions.*** – The head of the Bureau, to be known as the
19 Director, shall have the position and title of Chief of the Bureau and shall be assisted by two (2)
20 deputy chiefs, to be known as Deputy Directors, who shall have the title of Deputy Chief for
21 National Prisons and Deputy Chief for Local Jails, respectively, all of whom shall be appointed
22 by the President.

23 Each Deputy Director shall have two (2) assistants who shall have the position and title
24 of Assistant Chief for Management and Rehabilitation and Assistant Chief for Security and
25 Operations, respectively.

26 The Secretary of Justice shall prescribe the organizational structure, staffing pattern, as
27 well as the functions of key officers of the Bureau upon the effectivity of this Act.

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SEC. 6. *Maintenance of Adequately-Equipped and Sanitary Jails.* – There shall be established and maintained in every province, city and municipality a secured, clean, adequately-equipped and sanitary jail for the custody and safekeeping of the prisoners.

There shall be established and maintained also a secured, clean, adequately-equipped and sanitary jail for the custody of convicted prisoners who are serving sentence or awaiting result of their appeals. The national jails shall refer to the existing national prisons and penal colonies such as the New Bilibid Prison; Correctional Institution for Women; Iwahig Prison and Penal Farm; Davao Prison and Penal Farm; Sablayan Prison and Penal Farm; Leyte Regional Prison; and San Ramon Prison and Penal Farm.

SEC. 7. *Custody and Treatment of Prisoners.* – In the custody and treatment of the herein mentioned prisoners, full respect for their human rights as well as their spiritual, physical and general well-being shall be promoted.

Any person who employs physical, psychological, inhuman or degrading punishment against any prisoner or detainee, or who appears responsible for the use of substandard or inadequate penal facilities under subhuman conditions shall, in addition to whatever criminal liability he may incur under existing laws, be administratively liable for Grave Misconduct pursuant to Civil Service laws, rules and regulations.

SEC. 8. *Power of the Secretary of Justice to Categorize Prisoners.* – Upon the effectivity of this Act, the Secretary of Justice shall, after consultation with the Chief of the Bureau, issue rules and regulations pertaining to the classification, commitment and transfer of the prisoners, taking into account their age, incorrigibility or recidivism, gravity of the offense committed, penalty or sentence imposed on them, and such other factors as may help in determining to which jail they shall be properly and appropriately placed under custody, with the end in view of decongesting the jails and promoting the general welfare of the prisoners.

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SEC. 9. *Transfer, Merger, and Absorption of the Offices and Personnel.* – All properties, equipment and finances of the provincial and sub-provincial jails; of the defunct Bureau of Corrections and the national jails mentioned in Section 6 hereof; and, of the defunct BJMP and the existing district and city/municipal jails, shall be transferred to the Bureau. The transfer, merger, and/or absorption of any government office concerned shall include the functions, appropriate records, equipment, facilities, choses in action, assets, liabilities, if any, and the personnel thereof who shall, unless removed for cause after observing due process, in a holdover capacity, continue to perform their duties and responsibilities and receive their corresponding salaries and benefits. Those personnel of the transferred, merged, and/or absorbed office/unit whose positions are not included in the new position structure and staffing pattern approved by the DOJ, or who are not reappointed shall be given preference to join the Bureau of Correctional Services or any of the offices thereunder or shall be allowed to retire under existing laws, rules and regulations. Otherwise, they shall be deemed separated and paid gratuity equivalent to one and one-fourth (1 ¼) months basic salary for every year of service or a fraction thereof.

SEC. 10. *Special Oversight Committee.* – A Special Oversight Committee composed of the Secretary of Justice as Chairman, the Secretaries of the Department of Interior and Local Government and the Department of Budget and Management, the Chairman of the Civil Service Commission, the Chief of the Bureau of Correctional Services, and he Chairman of the Senate and House of Representatives Committees on Justice and Human Rights as members, is hereby created. This Committee shall plan and oversee the expeditious implementation of the transfer and absorption of the Bureau: the personnel, properties, appropriations and installations of the Bureau of Corrections, including the national jails mentioned in Section 3 hereof and the BJMP, including the existing provincial and sub-provincial jails maintained by their respective provincial governments.

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SEC. 11. *Implementation.* – The implementation of this Act shall be undertaken in four

(4) phases, to wit:

PHASE I – Inventory and absorption by the Bureau of all personnel, properties, equipment, records, appropriations, and finances of the transferred and absorbed offices mentioned in Section 9 hereof, to be completed within six (6) months from the effectivity of this Act.

PHASE II – Recruitment of personnel to cover all district, city and municipal jail positions which, prior to the effectivity of this Act, have not yet been filled by the organic personnel of the defunct BJMP, to be completed within six (6) months from the effectivity of this Act. To accomplish the task of Phase II, special funds therefor shall be appropriated upon the effectivity of this Act. At the end of this phase, all these jail positions shall have been filled by the organic personnel of the Bureau and removed from the supervision and control of the members of the PNP.

PHASE III – Approval by the Secretary of Justice of the organizational structure of the Bureau, and the preparation and filling up of its staffing pattern, to be completed within twelve (12) months from the effectivity date hereof.

PHASE IV – Conversion of the rank of the uniformed personnel of the defunct BJMP into its equivalent rank/position in the Bureau, and the rationalization of compensation and retirement systems, taking into consideration the existing compensation schemes and retirement and separation benefit systems of the transferred and absorbed offices mentioned in Section 9 hereof, to ensure that no member of the Bureau shall suffer any diminution in basic longevity and incentive pays, allowances and retirement benefits due them before the creation of the Bureau, to be completed within two (2) years from the effectivity of this Act. The Special Oversight Committee mentioned in Section 10 hereof shall be responsible for the timely accomplishment of this phase.

1 Upon the effectivity of this Act, the present Bureau of Corrections as well as the BJMP
2 shall cease to exist. The incumbent Director of the defunct Bureau of Corrections shall act as the
3 Chief of the Bureau of Correctional Services until such time as he shall have been replaced by
4 the President.

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6 **SEC. 12. *Retirement Age of Uniformed Personnel of the Defunct BJMP.*** – Any
7 uniformed personnel of the defunct BJMP who shall be absorbed by the Bureau may, upon
8 reaching the age of fifty-six (56) years, retire in accordance with Republic Act No. 6975 as
9 implemented by the BJMP. If he opts to remain in the service, he shall be retired in accordance
10 with Government Service Insurance System (GSIS) Retirement System under Presidential
11 Decree No. 1146, as amended.

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13 **SEC. 13. *Application of Civil Service Laws.*** – The Civil Service Law and its
14 implementing rules and regulations shall apply to all personnel of the Bureau.

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16 **SEC. 14. *Funding.*** – For purposes of organizing and constituting the Bureau, and for
17 carrying out the provisions of this Act, the appropriations for the current fiscal year of the
18 transferred and abolished offices mentioned in Section 9 hereof shall be transferred to the
19 Bureau. Thereafter, such amounts as may be necessary to carry out the provisions of this Act
20 shall be included in the annual General Appropriations Act.

21 **SEC. 15. *Implementing Rules and Regulations.*** – Within six (6) months from the
22 effectivity of this Act, the Secretary of Justice shall, in coordination with the Bureau, promulgate
23 rules and regulations necessary to ensure the effective implementation of this Act.

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25 **SEC. 16. *Separability Clause.*** – If any portion of this Act is declared unconstitutional,
26 the same shall not affect the validity and effectivity of the other provisions not affected thereby.

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2 **SEC. 17. *Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations,
3 and other issuances or parts thereof which are inconsistent with this Act are hereby repealed,
4 amended or modified accordingly.

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6 **SEC. 18. *Effectivity.*** – This Act shall take effect after fifteen (15) days following its
7 publication in at least two (2) national newspapers of general circulation.

Approved,