

SENATE
S. No. 1612

'17 NOV 16 P2:13

Introduced by **Senator Richard J. Gordon**

RECEIVED

**AN ACT TRANSFERRING THE NEW BILIBID PRISON FROM BARANGAY
POBLACION, MUNTINLUPA CITY TO THE FORT MAGSAYSAY MILITARY
RESERVATION, NUEVA ECIJA**

EXPLANATORY NOTE

The New Bilibid Prison (NBP) is the largest national penitentiary institution in the country, accounting for almost sixty percent (60%) of the inmates of the national prison system. It houses convicted persons sentenced to life imprisonment, including detainees with pending cases, multiple convictions, and sentences of more than 20 years.

The NBP was established in 1940 to accommodate the inmates from the Old Bilibid Prison in Manila that was closed. Its initial capacity was 3,000, but the same was gradually expanded to 9,300, and then later to 10,082, which has remained to be far from sufficient to match the rising number of inmates. At present, the NBP has 24,770 inmates, which represents an occupancy rate of two hundred forty six percent (246%) and congestion rate of one hundred forty six (146%).

Former officials of the Bureau of Corrections (BuCor) once described the NBP as under a "state of emergency," and the issue of congestion inside the NBP as a "bomb waiting to explode." Indeed, the NBP has been suffering from overcrowded and unacceptable living conditions, and lack of space and facilities for inmates to live in, let alone for the government to conduct rehabilitation programs. It bears stressing that one of the fundamental aims in the treatment of prisoners should be to encourage personal information and social rehabilitation. The need to relocate the facilities creates the opportunity for the construction of a new prison with sufficient capacity for the aforesaid functions.

International instruments recognize human rights and fundamental freedoms of prisoners. Under Article 5 of the Universal Declaration of Human Rights, "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Under paragraph 1 of the Basic Principles for the Treatment of Prisoners adopted and proclaimed by the United Nations General Assembly resolution 45/111 of 14 December 1990, "[a]ll prisoners shall be treated with the respect due to their inherent dignity and value as human beings." The same concept is enshrined in the 1987 Constitution of the Philippines, Section 11, Article II of which provides that the "State values the dignity of every human person and guarantees full respect for human rights." Adequate standard of living, including adequate accommodation, is a human right.

Foregoing reasons considered, the immediate passage of this bill is sought.


RICHARD J. GORDON
Senator

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

1 **SECTION 1.** *Declaration of Principles and Policies.* It is the objective of the State to
2 institute a national prison system that is conducive to the reformation and rehabilitation of
3 inmates that will bring them back into society as productive citizens of the country. Toward
4 this end, there is a need to improve, expand and upgrade the facilities of the New Bilibid
5 Prison and to relocate the same to another site in view of the present congestion.

6 **SEC. 2.** *Transfer of the New Bilibid Prison.* The Department of Justice (DOJ) is hereby
7 mandated to carry out the transfer of the New Bilibid Prison from its current site at
8 Barangay Poblacion, Muntinlupa City, Metro Manila, to the Fort Magsaysay Military
9 Reservation in Nueva Ecija.

10 The DOJ shall be responsible for the performance and coordination of all tasks and
11 activities related to the transfer of the New Bilibid Prison, including the preparation of the
12 technical plans for the new site, the procurement of works and services, and the
13 development and management of the new correctional facility. The DOJ shall perform such
14 functions in coordination, as necessary, with the Department of Public Works and
15 Highways (DPWH), the Department of Budget and Management (DBM), the Department of
16 Environment and Natural Resources (DENR), and such other concerned government
17 agencies.

18 For the foregoing purpose, the DOJ, DBM, and DPWH are mandated to determine the
19 budgetary requirements for the transfer of the New Bilibid Prison facilities to Fort
20 Magsaysay Military Reservation, Nueva Ecija. Within six (6) months from the date of
21 effectivity of this Act, the DOJ, DBM, and the DPWH shall jointly report to Congress on such
22 budgetary requirements.

23 **SEC. 3.** *Funding.* The initial amount of Fifty Million Pesos (P50,000,000.00) shall be
24 charged against the current fiscal year's appropriations of the DOJ. Thereafter, such sums

1 as may be necessary for the full and continued implementation of this Act shall be included
2 in the annual General Appropriations Act.

3 **SEC. 4. *Separability clause.*** If any provision, or part hereof, is held unconstitutional,
4 the remainder of the law or provision not otherwise affected shall remain valid and
5 subsisting.

6 **SEC. 5. *Repealing clause.*** All laws, decrees, orders, rules, and regulations or other
7 issuances or parts thereof inconsistent with the provisions of this Act are hereby modified
8 accordingly.

9 **SEC. 6. *Effectivity of this Act.*** This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or two (2) newspapers of general circulation in the
11 Philippines.

12 Approved,