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SENATE

S. NO. 1879

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Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
INSTITUTING A UNIFIED CORRECTIONS AND JAIL
MANAGEMENT SYSTEM, INTEGRATING THE NATIONAL
PRISONS AND PENAL FARMS, AND THE PROVINCIAL, SUB-
PROVINCIAL, CITY, DISTRICT AND MUNICIPAL JAILS,
ESTABLISHING FOR THE PURPOSE THE NATIONAL
COMMISSION ON CORRECTIONS AND JAIL MANAGEMENT,
APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

We have a highly fragmented corrections and jail management system. Our prisons and penal farms are under the control and supervision of the Bureau of Corrections (BuCor) of the Department of Justice¹; the provincial jails, under the provincial governments²; while the district, city and municipal jails, under the Bureau of Jail Management and Penology (BJMP) of the Department of Interior and Local Government³.

The management of these various facilities, the custody and reformation of the prisoners and detainees in these places, and the supervision of personnel manning the facilities and handling the inmates all follow disparate sets of laws, rules and regulations. This is not conducive to efficiency, effective management and an integrative and uniform development of programs on correctional services and jail management.

Worse, we have the highest jail congestion rate in the world.⁴ In February 2018, the population of inmates in district, city, municipal jails, female dorms, special

¹ Executive Order No. 292 (Administrative Code of 1987), Section 26, Chapter 8, Title III, Book IV.

² Republic Act No. 7160 (Local Government Code), Section 17, sub-section (3) (vi).

³ Republic Act No. 1575 (Bureau of Corrections Act of 2013) and Republic Act No. 6975 (Department of Interior and Local Government Act of 1990)

⁴ Rocamora, Rick, "Bursting at the seams: Philippine detention centers." 5 March 2018. Rappler.com. Available at <https://www.rappler.com/views/imho/197309-bursting-seams-duterte-drug-war-detention-centers> <last visited on 11 July 2018>

intensive care areas, and infirmaries under BJMP's jurisdiction is at 145,476.⁵ Our 466 jails nationwide have a collective capacity of only 20,399 inmates.⁶ The Manila City Jail is the most congested with a 601.91 percent congestion rate. It could ideally accommodate only 800 inmates, but currently, it has a population of about 5,400 to 5,600.⁷

The ill-conceived "war on drugs" of the Duterte administration even makes our jails "burst at the seams." From July 2016 to September 2017 alone, the Philippine National Police (PNP) and the Philippine Drug Enforcement Agency (PDEA) arrested 96,703 suspected drug pushers, users and chemists. A staggering 94 percent of those arrested are in pre-trial detention.⁸

Naturally, overcrowding of prisons and jails produces or reinforces a host of other problems such as jail disturbances, escapes, substandard living and working conditions, poor sanitation and hygiene-related or even infectious diseases. Severe congestion is also a root cause of prison-based criminality.

Thus, in its Concluding Observations on the Third Periodic Report of the Philippines in 2016, the UN Committee against Torture pointed out that our facilities do not meet minimum international standards, and may qualify as ill-treatment or torture.⁹ The conditions in our prisons and jails are a violation of the Philippine Constitution and the United Nations Standard Minimum Rules for the Treatment of Prisoners, or the Nelson Mandela Rules.¹⁰

Section 19, sub-section (2) of the Bill of Rights in our Constitution explicitly commands that "[t]he employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law."

On top of these problems of maltreatment of inmates, uneven management of the jails and prisons and overcrowding of detention centers, there are reports and recorded instances of official misconduct, corruption, cruelty and plain incompetence of some personnel manning our jails and correctional facilities.¹¹

⁵ Chavez, Chito, "Jail congestion at 600%, spread of infectious diseases among inmates up by 40%--BJMP." 11 March 2018. Manila Bulletin online. Available at <https://news.mb.com.ph/2018/03/11/jail-congestion-at-600-spread-of-infectious-diseases-among-inmates-up-by-40-bjmp/> <last visited on 11 July 2018>

⁶ Edson, Guido, "Philippine Jails: Space Jam" 11 December 2017. ABS CBN News online. Available at <http://news.abs-cbn.com/focus/12/11/17/philippine-jails-space-jam> <last visited on 11 July 2018>

⁷ Chavez, Chito. *Id.*

⁸ Morales, Neil Jerome, "Jails, Justice System At Breaking Point As Philippine Drugs War Intensifies" 1 September 2017. Reuters.com. Available at <https://www.reuters.com/article/us-philippines-justice/jails-justice-system-at-breaking-point-as-philippine-drugs-war-intensifies-idUSKCN1BB39F> <last visited on 11 July 2018>

⁹ UN Committee against Torture, "Concluding Observations on the Third Periodic Report of the Philippines", 2 June 2016. Available at <http://www.refworld.org/docid/57a99b194.html> <last visited on 11 July 2018>

¹⁰ Rocamora, Rick, *Id.*

¹¹ Narag, Raymund, and Jones, Clarke, "Understanding Prison Management in the Philippines". 2017. Available at <http://journals.sagepub.com/doi/pdf/10.1177/0032885516679366> <last visited on 11 July 2018>

Therefore, apart from the current laudable efforts of modernizing the BuCor and BJMP, and professionalizing their personnel, pursuant to Republic Act Nos. 10575 and 9263, respectively, there is a need to pass a law that would integrate the management of all jails and prisons under one agency to have a common standard of practice, further professionalize management, and centralize accountability.¹²

Given the fragmented set up of our corrections and jail management system, the overcrowding of our facilities, the lack of uniformity of standards in the treatment of persons deprived of liberty, in addition to the challenges of capacitating and professionalizing the personnel, it is imperative to enact a law that integrates prison and jail administration into one government authority, which will result in the efficiency in management, enhancement of standards of treatment of inmates, and upgrade of facilities.

To fill the policy gaps, this bill seeks to introduce the following reforms in our correctional system:

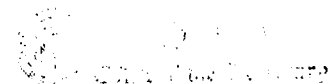
1. Integrate into one corrections and jail management system and centralize to a single government authority the management of all prisons and jails, the safeguarding of detainees, the custody and reformation of prisoners, and the supervision and professionalization of all administrative and technical personnel in our correctional system;
2. To adopt and apply internationally recognized standards and rules in the treatment of persons deprived of liberty in all the prisons and jails in our country; and
3. To establish the National Commission on Corrections and Jail Management, in lieu of the BuCor, BJMP and the provincial jail services, to be the central authority to implement the unified correctional system, and to plan and carry out integrated services and programs related to its custodial and reformatory mandates, including the upgrading of its facilities and equipment, and enhanced professionalization of its officials and employees.

Not only is the bill pushing for unification of prisons and jails. It is also seeking to regionalize the facilities and correctional services. It is hoped that this will help decongest our detention centers, and will contribute in shaping and implementing better programs for the rehabilitation of the prisoners as they will be transferred to facilities near their domicile or prior habitual residence.

In view of the foregoing, approval of this measure is earnestly sought.


LEILA M. DE LIMA

¹² Rocamora, Rick, *Id.*



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*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 “*Unified Corrections*
2 *and Jail Management System Act of 2018*”.

3
4 Sec. 2. **Declaration of Policies and Objectives.**– The State adopts the
5 following policies:

- 6
7 a) It shall uphold the welfare and well-being of all persons deprived of liberty
8 regardless of their places of detention, whether in a national prison or
9 correctional facility, or in a provincial, sub-provincial, city, district or
10 municipal jail; and
11 b) It shall strengthen the government capability in the custody of detainees,
12 the safekeeping and reformation of prisoners, the upgrading and
13 regionalization of facilities, and the professionalization of its personnel
14 through a unified corrections and jail management system in the country.
15

1 To implement these policies, this Act is being promulgated to fulfil the following
2 objectives:

- 3
- 4 a) To adopt internationally recognized standards and rules in the treatment of
5 all inmates in the different prisons and jails in the country;
 - 6 b) To integrate into one corrections and jail system and centralize to one
7 government authority the management of all prisons and jails, the
8 safeguarding of detainees, the custody and rehabilitation of prisoners, and
9 the control and supervision over all administrative and technical personnel;
10 and
 - 11 c) To establish the National Commission on Corrections and Jail Management
12 as an independent central authority to carry out the unified correctional
13 system, and to plan and implement services and programs related to its
14 custodial and reformatory mandates, including the upgrading of its facilities
15 and equipment, regionalization of its facilities, and the professionalization
16 of its officials and employees.
- 17

Sec. 3. **Definition of Terms.** – For purposes of this Act, the following terms are
hereby defined:

- 18 a) *Person Deprived of Liberty (PDL)*. - refers to any person deprived of
19 personal liberty as a result of conviction for an offence. It shall also refer to a
20 person arrested or detained by reason of a criminal charge, who is detained
21 either in police custody or in jail awaiting trial or has not yet been tried and
22 sentenced.
- 23 b) *Prisoner or an imprisoned person*. - refers to any individual deprived of
24 personal liberty as a result of conviction for an offense.
- 25 c) *Detainee*. – refers to any individual deprived of personal liberty, who is
26 detained either in police custody or in jail awaiting trial or has not been tried
27 and sentenced.
- 28 d) *Correctional facility*. - refers to an institution where persons convicted of
29 crimes serve their sentences. It includes the prisons and penal farms
30 previously under the Bureau of Corrections.

1 e) *Detention center.* - refers to the facility where individuals are held or
2 endorsed for temporary deprivation of liberty after arrest.

3 f) *Municipal, city or district jail.* – refers to the detention center where
4 persons deprived of liberty are detained while awaiting or undergoing trial.

5 f) *Provincial or sub-provincial jail.* - refers to the correction facility where
6 persons deprived of liberty who are convicted of imprisonment for three (3)
7 years or below serve their sentences.

8 f) *National prison or regional facility.* - refers to the facility where persons
9 deprived of liberty are committed after conviction for felonies or crimes with
10 sentence for a period exceeding three (3) years.

11 g) *Nelson Mandela Rules.* - refers to rules set out in the 2015 revised United
12 Nations Standard Minimum Rules for the Treatment of Prisoners.

13
14 **Sec. 4. *Creation of the National Commission on Corrections and Jail***

15 ***Management.***– There is hereby instituted a unified corrections and jail
16 management system in the country. The National Commission on Corrections and Jail
17 Management (Commission) is hereby established to carry out such a system
18 integrating the correctional and jail services currently provided by relevant
19 government agencies, such as the Bureau of Corrections (BuCor), the Bureau of Jail
20 Management and Penology (BJMP), and the provincial governments. It shall be the
21 sole authority with jurisdiction over all facilities and premises of national prisons and
22 penal farms, provincial, sub-provincial, city and municipal jails, and such other
23 correctional facilities that may be established hereafter. It shall also be responsible for
24 the custody of detainees, and the safekeeping and rehabilitation of prisoners. Likewise,
25 it shall exercise control and supervision over all its personnel.

26
27 The Bureau of Corrections, Bureau of Jail Management and Penology, and the
28 correctional and jail services of provincial governments are hereby abolished.

29
30 The following facilities shall not, however, be part of the Commission: detention
31 centers and lock-up cells being maintained by the Armed Forces of the Philippines

1 (AFP), Philippine National Police (PNP), Boys Town, Girls Center, and other existing
2 youth rehabilitation centers.

3
4 **Sec. 5. Powers and functions of the Commission.**— The Commission
5 shall have the following powers, duties and functions:

- 6
7 a) To implement the unified corrections and jail management system, and
8 adopt such rules and regulations necessary to carry out the objectives of this
9 Act;
- 10 b) To recommend policies to improve the unified corrections and jail
11 management system in the country;
- 12 c) To be responsible for the safe and efficient custody of the detainees, and the
13 effective safekeeping and rehabilitation of the prisoners;
- 14 d) To exercise supervision and control over all facilities, equipment and
15 premises of national prisons and penal farms, provincial, sub-provincial,
16 district, city, and municipal jails;
- 17 e) To propose the establishment or abolition of prisons, correctional facilities
18 and jails;
- 19 f) To hire, discipline and manage competent and efficient personnel; and
20 g) To perform such other functions as may be necessary to carry out its
21 mandate.
- 22

23 The Commission shall absorb and assume the functions and responsibilities of
24 the Bureau of Corrections, pursuant to Section 26, Chapter 8, Title III, Book IV of
25 Executive Order No. 292 (Administrative Code of 1987), and strengthened under
26 Republic Act No. 10575 (Bureau of Corrections Act of 2013); the Bureau of Jail
27 Management and Penology (BJMP), pursuant to Republic Act No. 6975 (Department
28 of Interior and Local Government Act of 1990), and strengthened under Republic Act
29 No. 9263 (Bureau of Fire and Bureau of Jail Management and Penology
30 Professionalization Act of 2004); and provincial governments, which maintain
31 provincial and sub-provincial jail services pursuant to their mandate under Section 17,
32 sub-section (3) (vi) of Republic Act No. 7160 (Local Government Code).

33

1 Sec. 6. **Status and Nature of the Commission.** – The Commission shall
2 be independent and autonomous, which shall be attached to the Department of Justice
3 (Department) solely for program and policy coordination only.
4

5 Sec. 7. **Structure and Key Positions.** – The Commission shall be headed
6 by a Commissioner, with the rank of Undersecretary, who shall be assisted by two (2)
7 Deputy Commissioners, with the rank of Assistant Secretaries, all of whom shall be
8 appointed by the President upon recommendation by the Department Secretary;
9 *Provided*, That the Commissioner and the Deputy Commissioners shall each be
10 appointed for a term of seven (7) years; *Provided, further*, That in times of war or
11 national emergency declared by Congress, the President may extend such term.
12

13 The Commissioner shall be the Chief Executive Officer of the Commission and
14 the presiding officer in its *en banc* sessions and meetings. He/she shall head the
15 Operations and Legal Affairs Division, which shall be responsible for the custodial and
16 reformatory services, security and maintenance of the facilities, and legal affairs of the
17 Commission. One Deputy Commissioner shall be in charge of the Administration and
18 Finance Division, which shall be responsible for the management of the personnel,
19 finances and budgetary requirements of the Commission. The other Deputy
20 Commissioner shall head the Policy, Planning and Development Division, which shall
21 handle policy recommendation, and the preparation, implementation and monitoring
22 of commission-wide programs.
23

24 Within 60 days from its constitution, in consultation with the Department of
25 Budget and Management (DBM) and the Civil Service Commission (CSC), the
26 Commission shall approve the organizational structure, including the units under each
27 division, staffing pattern, and the corresponding functions and delineation of
28 responsibilities of the different units, officials and employees of the Commission.
29

30 In preparing and approving the organizational structure, staffing pattern, and
31 definition of responsibilities of its officials and employees, the Commission shall be
32 governed by applicable civil service rules and regulations, particularly on such matters
33 as non-diminution of rank, salary and benefits of affected employees, and

1 standardization of base pay, retirement and other benefits of absorbed and newly hired
2 officials and employees.

3
4 **Sec. 8. *Qualification Standards of the Commissioner and the Deputy***
5 ***Commissioners.*** – No person shall be appointed Commissioner or Deputy
6 Commissioner, unless one possesses the following minimum qualifications:

- 7
8 a) A citizen of the Republic of the Philippines;
9 b) A person of good moral character, and mental or psychological fitness;
10 c) At least 40 years old;
11 d) Must possess a degree and relevant training in law, criminology, penology,
12 criminal justice, human rights, jail management, or correctional service;
13 and
14 e) Must have at least 10 years of prior relevant experience working in such
15 fields as law practice, criminology, criminal justice, penology, human rights,
16 jail management, or correctional service.

17
18 **Sec. 9. *Appointment of Personnel to the Commission.*** – All officials and
19 employees shall be appointed by the Commission, upon recommendation of the
20 Commissioner or Deputy Commissioner in charge of the Division to which the official
21 or employee shall be assigned.

22
23 **Sec. 10. *Professionalization and Upgrading of Qualification***
24 ***Standards in the Appointment of Personnel to the Commission.***–In the
25 appointment of personnel, the Commission shall be governed by the provisions of
26 Section 11 of Republic Act No. 10575, and Section 7 of Republic Act No. 9263.

27
28 In the training of its personnel, the Commission shall establish the Corrections
29 Training Institute, which shall be patterned after the BuCor's Corrections Training
30 School/Institute, and BJMP's Jail National Training Institute.

31
32 The Commission shall conduct a study, and make recommendations to
33 Congress, through the Department Secretary, about the feasible establishment of the
34 Philippine Corrections Academy for its officers.

1
2 Sec. 11. **Performance Evaluation System.**— The Commission shall
3 observe the performance appraisal and rating system mandated by Section 18 of
4 Republic Act No. 10575, and Section 11 of Republic Act No. 9263.
5

6 Sec. 12. **Promotion System.** – In the matter of personnel movement and
7 promotion, the Commission shall comply with the provisions of Section 17 of Republic
8 Act No. 10575, and Section 10 of Republic Act No. 9263.
9

10 Sec. 13. **Human Rights of Persons Deprived of Liberty.** – Persons
11 deprived of liberty (PDLs) do not lose their fundamental human rights when they are
12 placed under detention, or when they are serving sentence. They continue to possess
13 all human rights for the protection and preservation of life and their inherent dignity
14 as human persons, which are not incompatible with the objective of reformation
15 through incarceration or detention. The revised United Nations (UN) Standard
16 Minimum Rules for the Treatment of Prisoners, or the Nelson Mandela Rules, are
17 hereby adopted to be the minimum standard of conditions, treatments and rights
18 available to prisoners and detainees. All other UN guidelines, including those for non-
19 custodial measures, are likewise adopted and made applicable to all persons deprived
20 of liberty.
21

22 All other basic rights, consistent with the requirements of detention or
23 incarceration, which are embodied in, or recognized under the Constitution, the laws,
24 particularly Republic Act No. 7438, and relevant jurisprudence shall likewise be
25 enjoyed by all persons deprived of liberty.
26

27 Sec. 14. **Services and Programs.** – As the central authority responsible for
28 the management of prisons and jails, and the custody and rehabilitation of prisoners
29 and detainees, the Commission shall develop and implement programs on safe and
30 effective custody of detainees and prisoners, and the rehabilitation and reintegration
31 of prisoners. It shall ensure that its programs and services shall place special
32 consideration to the following significant areas of concern:
33

- 34 a) Custody of persons deprived of liberty;

- b) Reformation of prisoners;
- c) Right to adequate food, water, living and work spaces, and other basic necessities;
- d) Right to adequate legal assistance, access to court, medical and spiritual support;
- e) Right to engage in productive work or livelihood;
- f) Right to reasonable contact with the outside world, including visitation, subject to rules on proper administration and security of the detention facility.

10 **Sec. 15. *Transfer, Merger, and Absorption of Offices and Personnel.***

11 – All properties, equipment and financial assets of the defunct Bureau of Corrections
12 and the national jails and penal farms; of the provincial and sub-provincial jails; and
13 of the defunct BJMP and the existing district and city or municipal jails, shall be
14 transferred to the Commission. The transfer, merger, and/or absorption of the affected
15 offices shall cover the functions, official records, equipment, facilities, choses in action,
16 assets, liabilities, if any, and the existing personnel thereof. Those personnel whose
17 positions or functions are not included in the new organizational structure and staffing
18 pattern approved by the Department Secretary, or who are not reappointed, shall be
19 allowed to retire under existing laws, rules and regulations. Otherwise, they shall be
20 deemed separated from the service, and shall paid a gratuity equivalent to one and
21 one-fourth (1 ¼) months basic salary for every year of service or a fraction thereof.

23 **Sec. 16. *Retirement Age of Uniformed Personnel of the Defunct***
24 ***BuCor and BJMP.*** – Any uniformed personnel of the defunct BuCor and BJMP,
25 who shall be absorbed by the Commission may, upon reaching the age of fifty-six (56)
26 years, retire in accordance with Republic Act No. 6975 or Republic Act No. 10575. If
27 he/she opts to remain in the service, he shall be retired in accordance with
28 Government Service Insurance System (GSIS) Retirement System under Presidential
29 Decree No. 1146, as amended.

31 **Sec. 17. *Retirement Benefits.***– Upon compulsory retirement, any uniformed
32 officer of the Commission shall be entitled to retirement benefits computed on the
33 basis of one (1) grade higher than the position last held: *Provided*, That the retirement

1 pay shall be subject to adjustment based on the prevailing scale of base pay for
2 uniformed personnel in the active service.

3 Sec. 18. ***Establishment and Maintenance of Prisons, Penal Farms***
4 ***and Jails.*** – The existing provincial, sub-provincial, district, city and municipal jails
5 shall continue to function as such, but under the authority and management of the
6 Commission. The Commission shall periodically conduct a study of the conditions of
7 these jails, and, if warranted, shall recommend to Congress the establishment of
8 additional or appropriate jails. The provincial and sub-provincial jails shall be the
9 detention facilities for prisoners serving sentences with penalties of imprisonment for
10 three (3) years and below. The district, city and municipal jails shall be for detainees,
11 who fail to post bail and are awaiting sentences.

12
13 The national prisons and correctional facilities shall include the existing national
14 prisons and penal colonies such as the New Bilibid Prison; Correctional Institution for
15 Women; Iwahig Prison and Penal Farm; Davao Prison and Penal Farm, Sablayan
16 Prison and Penal Farm; Leyte Regional Prison; and San Ramon Prison and Penal
17 Farm. Following periodic studies on the conditions of these facilities, the Commission
18 may recommend to Congress the establishment of additional or appropriate prisons
19 or correctional facilities. These facilities shall be the detention centers of prisoners
20 who are serving sentences with penalties of imprisonment of at least three (3) years
21 and one (1) day.

22
23 Sec. 19. ***Regional Correctional Facilities.*** – The national prisons and
24 penal farms mentioned in Section 18 are hereby repurposed for use as regional
25 correctional facilities, without prejudice to the establishment of such additional
26 facilities to be recommended by the Commission and approved by Congress in
27 appropriate legislation. These regional facilities shall be established to serve all the
28 administrative regions in the country, including the National Capital Region (NCR),
29 the Cordillera Administrative Region (CAR), and the Autonomous Region in Muslim
30 Mindanao (ARMM).

31
32 Prisoners shall be transferred to the regional facilities nearest their domicile or
33 prior habitual residence. The rules and guidelines for this disengagement of national

1 prisons and penal colonies, as well as the transfer of prisoners, shall be issued by the
2 Commission.

3
4 **Sec. 20. *Power of the Commission to Classify Prisoners, and to Order***
5 ***their Transfer.*** – Upon the effectivity of this Act, the Commission shall issue rules
6 and regulations pertaining to the classification, commitment and transfer of the
7 prisoners and detainees, taking into account their age, mental health, incorrigibility or
8 recidivism, nature and gravity of the offense committed, penalty or sentence imposed
9 on them, and such other circumstances as may assist in determining to which
10 correctional facility they shall be properly placed, with the end in view of decongesting
11 the prisons and jails and promoting the welfare and well-being of the persons deprived
12 of liberty.

13
14 Following a set of criteria and defined rules, the Commission may order the
15 transfer of a prisoner or detainee to another facility considering such circumstances as
16 the behavior of the prisoner or detainee, and such relevant factors as the security and
17 orderly administration of his/her current place of detention.

18
19 **Sec. 21. *Transition Monitoring Panel.***– A Transition Monitoring Panel
20 shall be created to be composed of the Secretary of Justice as Chair, and as members,
21 the Secretaries of the Department of Interior and Local Government and the
22 Department of Budget and Management, the Chair of the Civil Service Commission,
23 the Commissioner of the Commission, and the Chairs of the committees of the Senate
24 and House of Representatives on justice, human rights and public order. The
25 Committee shall oversee the expeditious and efficient implementation of the transfer
26 to, and absorption of the Commission of the personnel, properties, finances and
27 records of the BuCor, including the national prisons and penal farms; of the BJMP,
28 including the existing district, city and municipal jails; and of the provincial
29 governments pertaining to provincial and sub-provincial jails. The report/s of the
30 Transition Panel shall be submitted to the Joint Congressional Oversight Committee,
31 with copies to be furnished to the Secretary of Justice and the Commission.

32
33 **Sec. 22. *Joint Congressional Oversight Committee.***—There is hereby
34 created a Joint Congressional Oversight Committee to monitor the implementation of

1 this Act. The Oversight Committee shall be composed of five (5) Senators and five (5)
2 Representatives to be appointed by the Senate President and the Speaker of the House
3 of Representatives, respectively. It shall be co-chaired by a Senator and a
4 Representative to be designated by the Senate President and the Speaker of the House
5 of Representatives, respectively. Its funding requirement shall be charged against the
6 appropriations of Congress.

7
8 **Sec. 23. *Implementation.*** – The implementation of this Act shall be carried
9 out in four (4) stages:

- 10
11 a) STAGE I - Inventory and absorption by the Commission of all personnel,
12 properties, equipment, records, appropriations, and finances of the
13 transferred and absorbed offices, to be completed within six (6) months
14 from effectivity of this Act.
- 15 b) STAGE II – Recruitment of additional personnel to cover all prisons and
16 jails, to be completed within six (6) months from effectivity of this Act. To
17 accomplish the task of Stage II, special funds therefor shall be appropriated
18 upon the effectivity of this Act.
- 19 c) STAGE III – Approval by the Commission of its organizational structure,
20 and the preparation and filling up of its staffing pattern, to be completed
21 within twelve (12) months from the effectivity of this Act.
- 22 d) STAGE IV – Conversion of the rank of the uniformed personnel of the
23 defunct BJMP and BuCor into its equivalent rank/position in the
24 Commission, and the rationalization of compensation and retirement
25 systems, taking into consideration the existing compensation schemes and
26 retirement and separation benefit systems of the transferred and absorbed
27 offices, to ensure that no employee of the BuCor and BJMP shall suffer any
28 diminution in basic longevity and incentive pays, allowances and retirement
29 benefits due them before the creation of the Commission, to be completed
30 within two (2) years from the effectivity of this Act.

31
32 Upon the effectivity of this Act, the present BuCor, as well as the BJMP, shall
33 cease to exist. The incumbent Director-General of the defunct Bureau of Corrections

1 shall act as the Commissioner of the Commission until such time as he/shall have been
2 replaced by the President.

3
4 Sec. 24. **Funding.** – For purposes of organizing and constituting the
5 Commission, and for carrying out the provisions of this Act, the appropriations for the
6 current fiscal year of the transferred and abolished offices hereof shall be transferred
7 to the Commission. Thereafter, such amounts as may be necessary to carry out the
8 provisions of this Act shall be included in the annual General Appropriations Act.

9
10 Sec. 25. **Implementing Rules and Regulations.** – Within six (6) months
11 from the effectivity of this Act, the Commission shall promulgate rules and regulations
12 necessary to ensure the effective implementation of this Act.

13
14 Sec. 26. **Separability Clause.** – If any portion of this Act is declared
15 unconstitutional, the same shall not affect the validity and effectivity of the other
16 provisions not affected thereby.

17
18 Sec. 27. **Repealing Clause.** – All laws, decrees, executive orders, rules and
19 regulations and other issuances or parts thereof which are inconsistent with his Act
20 are hereby repealed, amended or modified accordingly.

21
22 Sec. 28. **Effectivity.** – This Act shall take effect after fifteen (15) days following
23 its publication in the Official Gazette or in at least two (2) national newspapers of
24 general circulation.

25

Approved,