



SENATE
S. No. 2130

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

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AN ACT
INSTITUTIONALIZING PRISON REFORM AND RESTORATIVE JUSTICE
IN PHILIPPINE CORRECTIONAL SYSTEM AND FOR OTHER PURPOSES

EXPLANATORY NOTE

1 The Philippines is State Party to United Nations treaties encompassing human
2 rights equally applicable to persons deprived of liberty. As such, it is obligated to bring
3 to the level of domestic implementation its commitments through ways in which rights
4 holders are able to access and meaningfully exercise them. The process of
5 domesticating these rights include drawing guidance from standards that set
6 benchmarks and indicators of success.

7 For persons deprived of liberty, the United Nations Minimum Standards for the
8 Treatment of Prisoners is a comprehensive tool to help policy makers and
9 implementers ensure that detention provide opportunities for correction and reform.
10 In addition, there are other guidelines for specific sectors such as women and persons
11 with disability.

12 In 2016 an all-out war against drugs was waged by President Rodrigo R.
13 Duterte. In his insatiable thirst for blood, thousands of casualties fell to their grave¹.
14 He called out his uniformed men in blue to spread scarlet over our lands. As if the
15 bloodshed was not enough, thousands more were arbitrarily and whimsically
16 incarcerated when he pledged his support for the cops² in this war he orchestrated.

¹ Bueza Michael, "IN NUMBERS: The Philippines' 'war on drugs'." 23 April 2017. Rappler.com online. Available at <https://www.rappler.com/newsbreak/iq/145814-numbers-statistics-philippines-war-drugs> <last visited on 06 December 2018>

² Andrade, Jeannette, and Salaverria, Leila, "Duterte pledges support for cops." 20 April 2018. Inquirer.net online. Available at <http://newsinfo.inquirer.net/983867/duterte-pledges-support-for-cops> <last visited on 06 December 2018>

1 Two years later, the big fishes have not fallen³, but our detention facilities and
2 penal institutions are overflowing with the little fishes who are also victims themselves
3 in this war. By giving his men a pat on their shoulders for each human being put behind
4 cold bars, his administration hit the gas pedal on mass incarceration⁴; and two years
5 in his game, our jails are now the most congested in the entire world⁵. The numbers
6 are rapidly rising at an alarming rate, and there is no better time for the passage of this
7 law than now.

8 No human being, regardless of the crime he has been charged with, sheds his
9 human rights and dignity at the door of the detention facility or penal institution. And
10 this law seeks to address the growing concern for the innumerable human rights
11 abuses⁶ that this war has perpetuated against those who were caught in the middle of
12 a man's pompous promises.

13 When the powers are tapped to handcuff those who are caught in the middle of
14 the fight for justice, the end is to bring them under the hands of law and not merely to
15 warehouse them and allow them to degrade and rot away⁷ from the eyes of the public.
16 For justice to be rightfully served, it is necessary that those who are accused and
17 charged be brought before a judge to have their day in court, and if found guilty – to
18 face the legal consequences thereof. This purpose could no longer be achieved if the
19 guilty criminal sought to be made answerable for his acts has already succumbed to
20 illnesses caught inside the detention center⁸.

21 If it is to be believed that the future that President Duterte has envisioned is one
22 where each criminal is held accountable regardless whether he or she has perpetrated
23 the crime as a mere runner or as a drug lord, then they ought not to be forever silenced

³ Talabong, Rambo, "SC Justice Carpio: 'Why is PNP ignoring big-time drug lords?'" 05 December 2017. Rappler.com online. Available at <https://www.rappler.com/nation/190428-sc-justice-carpio-why-pnp-ignoring-big-time-drug-lords-ejk-oral-arguments> <last visited on 06 December 2018>

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 06 December 2018>

⁵ Narag, Raymund, "State of the PH in 2018: Our jails are now world's most congested." 23 July 2018. Available at <http://pcij.org/stories/ph-jails-detention-centers-now-worlds-most-congested/> <last visited on 06 December 2018>

⁶ "Philippines: Duterte's first year a Human Rights Calamity." 28 June 2017. Human Rights Watch online. Available at <https://www.hrw.org/news/2017/06/28/philippines-dutertes-first-year-human-rights-calamity> <last visited on 06 December 2018>

⁷ 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-bjmpl/> <last visited on 06 December 2018>

⁸ Galupo, Rey, "Manila city jail inmate dies of flesh-eating bacteria." Philippine Star online. Available at <https://www.philstar.com/nation/2018/07/10/1832105/manila-city-jail-inmate-dies-flesh-eating-bacteria> <last visited 06 December 2018>

1 in detention facilities and penal institutions also once called to be a hell on earth⁹
2 before the hammer falls.

3 Article III Section 19 of the 1987 Constitution mandates that “xxx the use of
4 substandard or inadequate penal facilities under subhuman conditions shall be dealt
5 with by law”. It is for this reason that the immediate passage of this law is sought, in
6 order that the demons that the Bill of Rights seeks to protect the Filipino people from
7 shall be banished. Humane conditions of these detention facilities and penal
8 institutions are the minimum requirements of human dignity and human rights, and
9 this law will be the guard standing at the gates of justice ensuring that they maintain
10 their rights and dignity even inside prison cells.

11 This bill aims to focus, among other things, on restoring human dignity easily
12 disregarded when a person is found guilty of committing a crime. Human dignity is
13 what entitles everyone to human rights and it is not uncommon that when society does
14 not appreciate this core value in a person particularly in a prisoner or detainee, there
15 is almost no opportunity for redemption and time in jail becomes by and large a tool
16 solely for punishment.

17 In my other bill, Senate Bill No. 1879 or the Unified Corrections and Jail
18 Management System Act of 2018, I seek to introduce institutional reforms through the
19 establishment of new and independent mechanisms and processes that take stock of
20 good and useful practices of the present system.

21 In this bill, the policy direction is towards helping convicted and/or detained
22 individuals develop appreciation of respect for the law and in turn, reduce their
23 tendencies to recidivate, and prepare them for reintegration in society. This also takes
24 into consideration the importance of strengthening capacities of those who work in
25 correctional institutions and helping them appreciate their contribution to the full
26 cycle of bringing to justice the perpetrators and ensuring that their victims are afforded
27 the justice that they deserve.

28 The purpose of punishment under our Penal Laws is not confined to retribution
29 and deterrence. It is important to emphasize that imprisonment under the force of law
30 is also for correction and reformation. The purpose of this Act is to help the detainees,

⁹ Dancel, Raul, “*Philippines inmates living in ‘hell on earth’ in overcrowded jails.*” 22 August 2016. The Straits Times online. Available at <https://www.straitstimes.com/asia/se-asia/philippines-inmates-living-in-hell-on-earth-in-overcrowded-jails> <last visited on 06 December 2018>

1 prisoners and persons deprived of liberty (PDLs) prepare for their eventual release
2 back in the society. To reintegrate them efficiently and peacefully into the community
3 where they once belonged, a system of rehabilitation is vital. Putting them under the
4 hands of law after all, is not the end of their lives but a step towards the rebuilding of
5 a better one, where they can be useful members thereof.

6 As a first step towards the State's compliance with International Law
7 obligations on respecting the human rights of prisoners and PDLs, organizational
8 reforms shall be institutionalized, with the end in view of training the officials in whose
9 hands and at whose mercy their rehabilitation and restoration would ultimately
10 depend.

11 A new system of classification shall be implemented as a substitute of the
12 present sentence-based classification. This new system will take into consideration not
13 only the imposed penalties, but also other important factors that play a vital role in
14 rehabilitating persons.

15 To prepare prisoners for their eventual release to society, intervention
16 programs and In-Prison Employment shall be made available to them. This
17 opportunity will allow them to gain skills that would be helpful in their eventual
18 reintegration back into the community.

19 Finally, this Act recognizes that imprisonment is not a lifetime chain that would
20 eternally bind prisoners in the dark. The State through this Act shall take the steps
21 towards reform with them, by affording them assistance in seeking for jobs and
22 housing once they are released back into society.

23 The aim of this Act is to speak for those whose voices have been muffled inside
24 small, moldy dark cells that house 126,946 inmates instead of only 20,746, for those
25 who dream of seeing light again one day, for the families left behind to suffer the
26 trauma of separation, for those who are hopeful that they will be returned to the society
27 someday, is the aim of this law¹⁰. For to remove them from the shadows of their
28 masters cum monsters only to deliver them to the other monsters that vilify and
29 dehumanize them is neither an effective solution nor in any part a true solution to the
30 problem that this drug war seeks to eliminate.

¹⁰ Marcelo, Elizabeth, "Philippine jails 511% congested, audit finds." 16 June 2017. Philippine Star Global online. Available at <https://www.philstar.com/headlines/2017/06/16/1710620/philippine-jails-511-congested-audit-finds> <last visited on 06 December 2018>

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


LEILA M. DE LIMA



SENATE

Office of the Secretary

SENATE

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

AN ACT

**INSTITUTIONALIZING PRISON REFORM AND RESTORATIVE JUSTICE
IN PHILIPPINE CORRECTIONAL SYSTEM AND FOR OTHER PURPOSES**

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

Chapter I

Title, State Policy and Definition of Terms

Section 1. Short Title. – This Act shall be known as the Prison Reform Act
of 2018.

Sec. 2. Declaration of State Policies and Objectives. – The State
recognizes that the maintenance of peace and order, the protection of life, liberty, and
property, and the promotion of the general welfare are essential for the enjoyment by
all the people of the blessings of democracy. The State likewise values the dignity of
every human person and guarantees full respect for human rights. To ensure
adherence to these avowed policies, the State, through this Act, undertakes to establish
a just, proportionate, effective, and humane correctional system, with the following
objectives:

1. Prioritize the rehabilitation of persons deprived of liberty as domestic
translation of the obligation to treat with humanity and with respect for
inherent dignity, all persons deprived of liberty, as found in United Nations
human rights conventions to which the Philippines is State Party and in
fulfilment of the constitutional guarantee of full respect for human rights;
and

2. Institutionalize transformational policy direction in the Philippines' corrections system founded on the principle of restorative justice in order to reduce the risk of recidivism and other vulnerabilities to crime commission, violence, and diseases.

Sec. 3. Definition of Terms. – As used in this Act, the following terms have the corresponding meanings, as follows::

1. “*Criminogenic needs*” refers to characteristics, traits, problems, or issues of an individual that directly relate to the individual's likelihood to re-offend and commit another crime. This includes static factors such as age at the time of first arrest, criminal history, socio-economic background and dynamic factors such as lack of respect for authority, anti-social behavior, lack of literacy or job skills, or other expressed non-conformist behaviors, values, and attitudes that are correlated with criminal activity;
2. “*Recidivism Risk Level*” refers to the degree of probability of reoffending or committing another crime.
3. “*Risk Assessment*” refers to the process of evaluating the recidivism risk level of an offender, and provides an empirical estimate of whether an offender has a sufficiently high likelihood of again committing crime to justify incapacitation.
4. “*Custodial duty*” refers to the duty to ensure that persons deprived of liberty remain within the premises of prisons and jails while serving sentence or undergoing trial. It encompasses the duty to protect PDLs from violence that may occur from individual-or group-initiated operations within the facilities. It also compasses the duty to protect the rights of PDLs as provided in this Act;
5. “*Jail*” refers to facilities that receive custody of individuals who are undergoing trial and those who have been sentenced to serve imprisonment not exceeding three years;
6. “*Persons deprived of liberty*” (PDLs) refer to any person deprived of personal liberty as a result of conviction for an offense. It shall also refer to a person arrested or detained by reason of a criminal charge, who is detained either in police custody or in jail awaiting trial or final conviction;

2. The right to competent counsel in all stages of litigation, including appeal and other post-conviction remedies, and the provision of free legal aid for indigent PDLs;
3. The right to basic and necessary healthcare;
4. The right to clean and adequate food and water;
5. The right to decent and compensated work, whenever available and applicable;
6. The right not to be discriminated against, and to be treated with respect due to their inherent dignity and value as human beings.

Chapter III Institutional Reforms

A. Judicial Reforms

Sec. 8. *Protection of the Right of PDLs to Speedy Trial.* – The Department of Justice (DOJ), in coordination with the Judiciary and the Integrated Bar of the Philippines (IBP), shall adopt appropriate measures to ensure that the right of PDLs to speedy trial is protected.

Sec 9. *Decongestion through a System of Automatic Release.* – All detention and correctional facilities are hereby mandated to automatically release PDLs upon the concurrence of the following conditions:

1. The PDL has been in custody or has served time for a period equal to or more than the maximum period prescribed for the offense charged.
2. A report has been filed at least ninety (90) days prior to the date of release with the proper court and legal authorities on all matters relating to the charge and the penalty provided therefor, the maximum period imposed for the crime charged and/or committed provided under the law violated, and the present period of incarceration.
3. Transmittal of approval by the proper court and legal authorities.

Sec. 10. *Continuation of Trial or Proceedings on Appeal.* – Nothing in this Act shall mean a cessation of trial and proceedings already pending. The release as ordered in the preceding section shall be without prejudice to the continuation of the trial or proceedings on appeal, if any.

B. Facility Reforms

Sec. 11. Infrastructure Plan. – The Bureau of Corrections (BuCor) and the Bureau of Jail Management and Penology (BJMP) shall make an audit of existing penal facilities and conduct studies with the end in view of creating an Infrastructure Plan. The implementation of the plan shall not begin later than five (5) years from the effectivity of this Act, to be completed within a period of ten (10) years from the effectivity of this Act.

The Infrastructure Plan of the BuCor shall, as much as practicable, include the construction of at least one (1) penal facility per region. The said plan shall then be submitted to the DOJ for the inclusion thereof in the latter's budget.

The Infrastructure Plan of the BJMP shall be submitted to the Department of Interior and Local Government (DILG) for the inclusion thereof in the latter's budget.

Sec. 12. Facilities and Living Conditions. – Prisons and jails shall be built and improved to comply with standards in prison planning specific to dimension of cell and other guidelines for accommodations set forth in the United Nations Minimum Standards for Treatment of Prisoners. Facilities shall include but not limited to:

1. Dormitories or cells;
2. Hospital or infirmary;
3. Multipurpose or recreation hall;
4. Common areas for reception and visitors, kitchen and mess hall, place of worship, wash or laundry area; and
5. Clean and adequate water source.

Sec. 13. Offender Tracking Information System (OTIS). – There shall be created an Offender Tracking Information System (OTIS), a program that stores and organizes data of all persons admitted into jails and prisons.

The OTIS shall automate the existing manual records management separately maintained by the BuCor and BJMP.

The program shall be the central database of the following information:

- a) PDL's personal profile;
- b) PDL's Case information;

- 1 c) PDL's jail location history and the status of their respective
2 cases;
3 d) Status of the offender's case; and
4 e) Inmates' records including the Good Conduct Time Allowance
5 (GCTA).

6 **Sec. 14. OTIS Records.** – All data stored in the OTIS shall be considered
7 protected, and shall be governed by established rules for access, storage and auditing,
8 privacy and transmittal.

9 C. Organizational Reforms

10 **Sec. 15. Appointment to the Bureau of Corrections.** - Appointment to
11 the Bureau of Corrections shall be based on merit determined through the exercise of
12 sound and credible recruitment and hiring policy for all positions. The Civil Service
13 Commission shall formulate the requirements and qualifications of individuals to be
14 appointed to positions equivalent to Assistant Secretary to Chief of the Bureau.

15 **Sec. 16. Organizational Structure, Salary and Rank, Term of Office**
16 **of Officials.** – To strengthen the Bureau of Corrections and to meet the appropriate
17 ratio of staff attending to prisoners, additional personnel consisting of correctional
18 and rehabilitation officers including administrative staff shall be recruited and
19 appointed. Provided, that there shall be reserved appointments for three (3) graduates
20 of the Correctional Academy provided in Section 22 of this Act, for every non-
21 commissioned staff appointed. Provided further, that Assistant Secretaries to Chief of
22 Corrections shall serve for a term of three years without reappointment or extension,
23 unless separated from service sooner than end of the term.

24 **Sec. 17. Additional Personnel and Upgrading of Positions.** – In order
25 to enhance their general welfare, commitment to service, and professionalism,
26 additional personnel shall be employed to match the ideal ratio of custodial officer to
27 prisoner. The necessary restructuring of personnel complement shall be undertaken
28 with the assistance of the Department of Budget and Management and the Civil Service
29 Commission.

30 The BJMP and BuCor shall take into consideration the international standards
31 with regard to prisoner-to-jail/correctional officer ratio in determining its staff
32 requirements.

Sec. 18. Retirement and Other Benefits. – Upon compulsory retirement, any custodial officer from the rank of Corrections Chief and below shall be entitled to retirement benefits computed on the basis of one grade higher than the position last held. *Provided*, that the retirement pay shall be subject to adjustments based on the prevailing scale of base pay of civilian personnel.

Sec. 19. *Grant of Hazard Pay.* – The officials, uniformed personnel and applicable civil personnel assigned to penal institutions of the Bureau of Jail Management and Penology and the Bureau of Corrections shall receive hazard pay.

Nothing in this Act shall be construed as to diminish, in any manner, any benefit granted by existing laws, rules and regulations, local ordinances and other issuances especially favorable to said covered officials and personnel.

The BuCor and BJMP, in close coordination with Department of Budget and Management, shall craft the appropriate hazard pay scale which will form part of the implementing rules and regulations of this Act.

Sec. 20. Professional Development of Officers and Staff. – The Bureau of Corrections is authorized to enter into cooperation agreements with overseas universities or colleges offering specialized courses on the criminal justice system, specifically on correctional and prison reforms. It shall devise a scheme whereby all officers and staff are able to participate in fellowship programs at short and regular intervals, subject to service obligations to the government, and in consultation with the Civil Service Commission.

Sec 21. Continuous System of Reassignment. – Subject to the exigencies of the service, jail/prison officers shall have a term-based assignment to avoid fraternization and familiarity with the PDLs. The tour of duty of jail/prison officers at each penal facility shall not exceed six (6) years. Service of each tour within the same penal facility shall be subject to the condition that the jail/prison officers shall serve at one office or section within the same facility for the first three (3) years thereof, and the last three (3) years at another office or section.

Constant reassignment through a system of rotation of posts of jail/prison officers shall be institutionalized. Such officers who are subject to reassignment shall be entitled to relocation allowance under existing laws.

Chapter IV

Philippine Correctional Academy and Training Institute

1 **Sec. 22. Philippine Correctional Academy and Training Institute. –**

2 There shall be created the Philippine Correctional Academy and Training Institute
3 (PCATI) which shall serve as the premier school for prospective custodial and
4 rehabilitation officers, to be designed to teach expertise on custodial, reformation and
5 rehabilitation work, with programs focusing on the context of detention, its causes and
6 objectives.

7 **Sec. 23. Continuing Training Programs. –** The PCATI shall provide
8 continuing capacity building for all officers and staff focusing on courses pertaining to
9 prison management and operations, paralegal work, human rights, culture and gender
10 sensitivity, and other relevant subject matters, including pertinent rules and
11 regulations of the BuCor and the facilities.

12 **Sec. 24. Board of Directors. –** The PCATI shall be under the management
13 and supervision of the Board of Directors (Board) composed of the following officials:

- 14 1. The Secretary of Justice as *ex-officio* Chairperson to be assisted by the Chief
15 of the Bureau of Corrections and as Permanent Representative;
16 2. *Ex-officio* Members:
17 a. Chairperson, Commission on Higher Education;
18 b. Secretary, Department of Education;
19 c. Chairperson, Commission on Human Rights;
20 d. Secretary, Department of Health;
21 e. Dean, National Defense College of the Armed Forces of the
22 Philippines.
23 3. The Board shall be assisted by a Secretariat headed by an Executive Director
24 with the rank of Assistant Secretary.

25 **Sec. 25. Functions of the Board. –** The Board shall develop and lay down
26 policies to provide education and training in prison administration and PDL
27 reformation. This shall also cover regular and continuing capacity building for staff
28 and technical vocational skills for PDLs, in cooperation with relevant government
29 agencies and the private sector

30 **Sec. 26. Recruitment of Custodial Officers. –** Custodial officers shall be
31 recruited for study and training in the PCATI. After completion of a minimum of two-
32 year course in the PCATI, they shall be considered as commissioned officers. The

PCATI shall likewise develop an on-the-job training program for prison employees who are recruited or hired without having completed the required courses.

Sec. 27. Continuing Research. – The PCATI shall conduct a continuing research and advocacy work on the following:

1. Best practices relating to prison management and operations and prisoner reform;
2. Best practices relating to the use of prisoner risk and needs assessment tools;
3. Best available risk and needs assessment tools and the level to which they rely on dynamic risk factors that could be addressed and changed over time, and on measures of risk of recidivism, individual needs, and responsivity to recidivism reduction programs;
4. The most effective and efficient uses of such tools in conjunction with recidivism reduction programs, productive activities, incentives, and rewards;
5. The most effective recidivism reduction programs in addressing the different risks and specific criminogenic needs of prisoners, and the volume and intensity of programming that most effectively reduces the risk of recidivism for prisoners with different risks of recidivating; and
6. The most effective pre-release custody options for prisoners with different risks of recidivating.

The PCATI shall regularly submit its findings and recommendations to the DOJ and Congress for possible amendments to the existing rules and laws.

Chapter V

System of Effective Administration of Justice and Reformation

Sec. 28. Reception and Diagnostics Center (RDC). – There shall be created Reception and Diagnostics Center within each penal facility, which is tasked with the mandate of establishing a continuing assessment of PDLs for the duration of imprisonment.

The RDC shall be responsible for the conduct of classification of each and every inmate admitted to penal institutions. The classification will be put in lieu of the sentence-based classification, and shall be based on the following principles:

- 1 1. Risk Principle which suggests that the amount of supervision and control
2 accorded to inmates must be based on their criminogenic needs and
3 tendency to commit crimes within the penal facility;
- 4 2. Needs Principle which suggests that the factors that led inmates to criminal
5 behavior must be properly and fully diagnosed, and that physical, mental
6 and psychosocial health of inmates must be fully taken into consideration in
7 their housing and segregation; and
- 8 3. Responsivity Principle which suggests that inmates respond differently to
9 programs, and that programs must be specifically tailored to their individual
10 potential for rehabilitation, reformation and reintegration into society, and
11 their capacity to respond thereto.

12 The RDC shall be the point of entry of all inmates in penal facilities. Except
13 during periods of national emergency or on account of natural disaster/calamity, in no
14 case shall an inmate stay within the RDC for a period longer than sixty (60) days.

15 **Sec. 29. Housing Assignment.** – The RDC shall be the principal office
16 tasked with the mandate of determining the housing assignment of inmates based on
17 the abovementioned principles.

18 There shall be three (3) housing security levels which will have varying levels of
19 control, inmate movement, programs, and privileges. Inmates with special physical,
20 mental and psychosocial health needs shall be segregated accordingly so as not to
21 exacerbate their health condition. Inmates with communicable diseases shall also be
22 housed separately in order to prevent an outbreak within the penal facility.

23 The following are the levels of housing security:

- 24 1. Level I Housing which is designed for inmates with low levels of risk and
25 needs based on the principles mentioned in Section 28 hereof. Inmates who
26 are nearing the completion of their sentences can also be transferred within
27 this level. The programs which will be offered in this level shall be geared
28 towards reintegration of inmates upon release;
- 29 2. Level II Housing which is designed for inmates with moderate levels of risk
30 and needs based on the principles mentioned in Section 28 hereof. Inmate
31 programs offered in this level shall be geared towards social equipping like
32 livelihood, education, and prison industries; and

- 1 3. Level III Housing which is designed for inmates with higher levels of risk
2 and needs based on the principles mentioned in Section 28 hereof. Inmate
3 programs offered in this level shall be geared towards cognitive change like
4 psychotherapy, counseling, and substance detoxification.

5 **Sec. 30. Penal Facility Assignment.** – As much as practicable, PDLs shall
6 be detained or serve their sentence in the region where they reside at the time of
7 incarceration.

8 **Sec. 31. Disciplinary Committee.** – There shall be created a Disciplinary
9 Committee within each penal facility:

- 10 1. The Committee shall be composed of the following:
11 a. One (1) Chairman who is also the head of the penal facility;
12 b. Three (3) Disciplinary Officers who are also appointed officers of the
13 Bureau of Corrections;
14 c. One (1) representative from the Commission on Human Rights; and
15 d. One (1) member each from the private sector and the Integrated Bar of
16 the Philippines.

17 The Committee shall be responsible for investigating the violation of rules
18 committed by PDLs and recommending appropriate and proportionate sanctions
19 therefor.

20 **Sec. 32. Allowable In-prison Disciplinary Penalties.** – Upon the
21 finding of guilt, the following penalties may be imposed by the Disciplinary
22 Committee:

- 23 1. Recommendation for the prosecution for additional offenses;
24 2. Rendering of prison-support services such as, but not limited to cooking,
25 cleaning, doing clerical work, running the laundry, or performing
26 maintenance chores, subject to their physical and mental fitness as
27 determined by the medical officer;
28 3. Time credit deductions in the computation of Good Conduct Time
29 Allowance;
30 4. Restriction of visiting privileges;
31 5. Housing reassignment;
32 6. Prison reassignment; and
33 7. Other similar penalties as may be determined by the disciplinary committee.

1 No penalty shall be imposed that is more than necessary for the rehabilitation
2 and reformation of the inmate. In no case shall the disciplinary committee impose any
3 punishment that is contrary to law.

4 **Sec. 33. Intervention Programs Office.** – There shall be created within
5 each penal facility an Intervention Office. The Intervention Office shall be responsible
6 for creating and implementing intervention programs.

7 **Sec. 34. Intervention Programs.** – The intervention programs shall be
8 designed and targeted for PDLs within the same recidivism risk levels. They may be
9 any of the following:

- 10 1. *Education and training* – programs designed to give basic and advance
11 education to PDLs, or provide them with technical skills. BuCor shall
12 coordinate with the Department of Education, Commission on Higher
13 Education, and Technical Education and Skills Development Authority for
14 the design and implementation of these programs.
- 15 2. *Work and productivity* – programs designed to utilize the existing skills and
16 capabilities of PDLs towards administration of the penal facility or
17 community service.
- 18 3. *Counselling and self-improvement* – programs designed to provide
19 continuous counselling services to PDLs to encourage reformation and self-
20 improvement.

21 **Sec. 35. Intervention Program Credits.** – Participation in intervention
22 programs shall earn PDLs with Intervention Program Credits equivalent to the hours
23 spent during such participation. For every six-month period in which the PDL is not
24 subjected to any disciplinary action or recommended for prosecution for crimes
25 committed during the service of sentence, the Intervention Programs Office shall
26 recommend to the Parole and Probation Administration (DOJ-PPA) a reduction in
27 sentence equivalent to the Intervention Program Credits earned during such period.

28 However, PDLs who are convicted of crimes involving moral turpitude may not
29 be recommended for sentence reduction until after they have served half of the
30 minimum period of their prison sentence. Upon completion of said period, the
31 Intervention Programs Office may recommend a reduction in sentence equivalent to
32 half of the Intervention Programs Credits earned, provided that the PDL was not
33 subjected to more than one disciplinary action per year, or recommended for

1 prosecution for crimes committed during the service of sentence, during the said
2 period.

3 The Intervention Program Credit system shall be without prejudice to the
4 existing system granting allowance for good behavior.

5 **Sec. 36. Risk Reassessments and Level Adjustment.** – PDLs who
6 successfully participate in intervention programs or productive activities shall receive
7 periodic risk reassessments not less than annually, and PDLs determined to be at high
8 recidivism risk level and who have less than five (5) years until their projected release
9 date shall receive more frequent risk reassessments. The Intervention Program Office
10 shall adjust the intervention programs for PDLs with high recidivism risk levels.

11 **Sec. 37. Provision of Adequate and Holistic Healthcare for PDLs.** –
12 Health programs for physical and mental health shall be established by the BuCor and
13 the BJMP.

14 There shall be created in every penal institution a Medical Support Office
15 (MSO). This Office shall be in charge of ensuring that medical service, psychosocial
16 support and other counseling services shall be made available to the PDLs.

17 The MSO shall, in partnership with the Department of Health (DOH) and the
18 National Center for Mental Health (NCMH), provide free mental health counseling,
19 education and evaluation to any prisoner. These services shall be made available to
20 them upon the entry of the prisoner in the penal institution and until after the lapse of
21 one (1) year from the time he or she departs from the penal institution when he or she
22 has secured release through an acquittal, service and expiration of sentence, grant of
23 parole, commutations, reprieves and other forms of executive clemency, or through
24 the order of competent authority.

25 The MSO shall provide them with family-centered programs that focus on
26 family strengthening activities and nurturing of family relationships, during
27 incarceration and following release. Services that will help prisoners cultivate insight
28 to prevent recidivism shall also be made available to them. Within six (6) months prior
29 to the date his or her release, the MSO shall craft a program that will prepare the
30 prisoner for his or her release and eventual reintegration into his or her family, into
31 his or her community, and into the society.

32 The spouse and children of the prisoners shall likewise be entitled to the
33 psychosocial support and counselling services benefits granted under this Section.

1 They shall also be provided with free psychosocial support and other counseling
2 services that will assist them in coping with the changes brought about by the
3 incarceration. The MSO shall, within six (6) months prior to the date of the prisoner's
4 release, help them prepare for the imminent return of the prisoner to their family.
5 These services may be continuously availed of until after the lapse of one (1) year from
6 the time of the prisoner's release.

7 **Sec. 38. In-facility Employment.** – There shall be created in every penal
8 institution a Prison Revenue Office (PRO) which shall be in charge of institutionalizing
9 revenue generating programs. The PRO shall encourage interested prisoners to
10 participate in the Prisoner Employment Program (PEP). Through the PEP, qualified
11 prisoners will be provided with opportunities to engage in meaningful and sustainable
12 paid employment, work experience and vocational training inside the penal
13 institution. The PRO shall also encourage interested employers to become involved in
14 the PEP, upon compliance with requirements to be determined by the PRO.

15 The PRO shall, in coordination with TESDA, formulate and establish income
16 generating programs that will allow qualified prisoners a) to receive reasonable
17 compensation for the work thus performed, and b) to gain an employment certification
18 that will reflect their employment record.

19 The PRO shall establish a savings program with government accredited banking
20 institutions which may be availed of by qualified PDLs.

21 **Sec. 39. Post-Prison Employment.** – There shall be created in every penal
22 institution a Job Assistance Office (JAO). Without prejudice to other existing
23 government employment programs, the JAO shall, together with the Department of
24 Labor and Employment (DOLE), establish and maintain a Post-Prison Employment
25 Program (PPEP) that will raise awareness regarding available job opportunities which
26 a prisoner may apply for upon release. The JAO shall encourage private sector
27 participation by providing incentives and privileges to private business establishments
28 that will open job opportunities to former prisoners. The JAO shall ensure that the job
29 opportunities, both in the public and private sectors, shall not create undue and
30 unlawful discrimination against former prisoners seeking employment.

31 **Sec. 40. PPEP Tax Credit.** – Employers that will participate in the Post-
32 Prison Employment Program (PPEP) upon the effectivity of this Act, shall be entitled

1 to an additional deduction from their gross income, equivalent to fifteen percent (15%)
2 of the total amount paid as salaries and wages to former prisoners, subject to Section
3 4 of the National Internal Revenue Code for a period of five (5) years from the time of
4 employment or until such employment is terminated, whichever is shorter.

5 Any company, or individual who has hired a former prisoner within five (5)
6 years from his or her release, is entitled to avail of tax credit granted under this Act.
7 The said tax credit should be collected immediately on the next tax period.

8 **Sec. 41. *Housing Assistance Office.*** – There shall be created in every penal
9 institution a Housing Assistance Office (HAO). The HAO shall be in charge of
10 providing assistance in the finding of affordable and stable housing or temporary
11 housing facility, to a former prisoner who is seeking reentry into the society after
12 having secured an acquittal, or having served the full term of his or her sentence, or
13 having been granted commutations and reprieves, without prejudice to other existing
14 government housing programs.

15 Without prejudice to other existing government housing programs, the HAO
16 together with the National Housing Authority (NHA) and the Department of Social
17 Welfare and Development (DSWD), shall provide assistance in the finding of
18 affordable and stable housing or temporary housing facility to a prisoner within six (6)
19 months prior to the date of his or her release, and after the lapse of one (1) year from
20 the time he or she departs from the penal institution.

21 The HAO shall 1) assess the prisoner's housing needs or requirements, 2)
22 provide accurate information about housing resources available in his or her area, 3)
23 assist with the application process, and 4) make follow-ups to evaluate the conditions
24 of the prisoner in his or her new home.

25 **Sec. 42. *Identification Process.*** – The Bureau of Corrections shall identify
26 prisoners who are eligible for release within six months. Information gathered shall
27 then be relayed to the HAO and the JAO to facilitate their enrollment in the respective
28 programs of the said offices. Once identified as eligible for the available programs,
29 prisoners shall be given the option to enroll and consent to be part thereof.

30
31 **Chapter VI**
32 **Prohibited Acts**

1 **Sec. 43. Prohibited Acts and Penalty.** – The following acts are hereby
2 prohibited:

- 3 1. Affording privileged treatment to PDLs such as provision for amenities
4 different from those given to other prisoners similarly situated without valid
5 order from DOJ or from appropriate courts;
- 6 2. Placing PDLs in secret detention places, solitary, incommunicado, or other
7 similar situations;
- 8 3. Use of PDL for personal or criminal purposes; and
- 9 4. Negligence or willful refusal to check and reveal the status of a PDL upon a
10 valid demand by the PDL or any of his representatives.

11 The penalty of *prision correccional* shall be imposed for violation of this Section
12 together with the accessory penalty of temporary absolute disqualification from public
13 office or employment.

14 15 **Chapter VI** 16 **Final Provisions**

17 **Sec. 44. Implementing Rules and Regulations.** – Within one hundred
18 and twenty (120) days from the effectivity of this Act, the DOJ and BuCor together with
19 TESDA, DOH, NEDA and DOLE, shall promulgate the Implementing Rules and
20 Regulations (IRR).

21 **Sec. 45. Appropriations.** – Such amounts as may be necessary to carry out
22 the provisions of this Act shall be included in the Annual General Appropriations Act.

23 **Sec. 46. Separability Clause.** – If, for any reason, any section or provision
24 of this Act is declared unconstitutional or invalid, the other sections or provisions
25 which are not affected shall continue to be in full force and effect.

26 **Sec. 47. Repealing Clause.** – All laws, decrees, executive orders,
27 proclamations, rules and regulations or parts thereof inconsistent herewith are
28 repealed, amended, or modified accordingly.

29 **Sec. 48. Effectivity.** – This Act shall take effect fifteen (15) days after its
30 publication in the Official Gazette or in a newspaper of general circulation.

Approved,