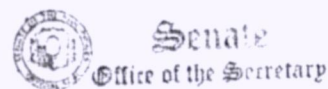


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 AUG 27 P5 52

SENATE

P. S. Res. No. 115

RECEIVED BY: 

Introduced by Senator Ralph G. Recto

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CONDITION OF THE JAIL AND PRISON FACILITIES IN THE PHILIPPINES, WITH THE INTENT OF STRENGTHENING GOVERNMENT MANDATE TO UPHOLD THE DIGNITY OF THE HUMAN PERSON, TO PROTECT THE RIGHTS AND WELFARE OF PERSONS DEPRIVED OF LIBERTY, AND TO REHABILITATE AND REFORM INDIVIDUALS IN CONFLICT WITH THE LAW

1 WHEREAS, the 1987 Constitution provides that the employment of physical,
2 psychological, or degrading punishment against any prisoner or detainee or the use
3 of substandard or inadequate penal facilities under subhuman conditions shall be dealt
4 with by law;

5 WHEREAS, the Philippines acceded and ratified the United Nations Convention
6 Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment –
7 an international instrument which calls upon the States to take effective legislative,
8 administrative, judicial or other measures to prevent acts of torture and other acts of
9 cruel, inhuman or degrading treatment or punishment in any territory under their
10 jurisdiction;

11 WHEREAS, the Philippines acceded to the Optional Protocol to the Convention
12 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
13 which seeks to strengthen the protection of persons deprived of their liberty against
14 torture and other cruel, inhuman or degrading treatment or punishment;

1 WHEREAS, the policy of the State to promote the general welfare and safeguard
2 the basic rights of every prisoner incarcerated in the Philippine national penitentiaries
3 was established through the enactment of Republic Act No. 10575, otherwise known
4 as the "*Bureau of Corrections Act of 2013*;"

5 WHEREAS, the Bureau of Corrections (BUCOR) is mandated with the task of
6 safekeeping and instituting reformation programs to inmates sentenced to more than
7 three (3) years, pursuant to Republic Act No. 10575;

8 WHEREAS, the Bureau of Jail Management and Penology (BJMP) is granted the
9 power to exercise supervision and control over all city and municipal jails pursuant to
10 Republic Act No. 6975, otherwise known as the "*Department of the Interior and Local
11 Government Act of 1990*;"

12 WHEREAS, despite the enforcement of numerous legal and institutional norms
13 in the country, the current state of the Philippine jail and prison system reveals
14 systemic neglect, if not indifference, to the plight of people deprived of liberty and
15 individuals in conflict with the law;

16 WHEREAS, the number of filled custodial positions increased disproportionately
17 to the number of inmate population in BUCOR facilities, with the latter increasing by
18 120.35% from 20,619 in 1998 to 45,431 in 2018 while the former grew by only
19 97.56% from 1,268 to 2,505 during the same period;

20 WHEREAS, this disproportional increase in the custodial positions *vis-à-vis* the
21 prison population strained the custodian deployment of the BUCOR, leaving one (1)
22 BUCOR custodian handling the security and rehabilitation needs of 54 prisoners per
23 eight-hour shift on the average;

24 WHEREAS, the day-to-day affairs of 141,422 detainees and 3,449 inmates
25 incarcerated in 482 BJMP-manned jails nationwide are left in the hands of 12,083 jail
26 officers, leaving one custodian tending to the safekeeping of 35 detainees and inmates
27 every eight-hour shift on the average;

28 WHEREAS, the increase in prison population was also left without the
29 corresponding prison facilities improvement in the BUCOR, causing congestion rate to
30 balloon from 17.10% in 1996 to 137.17% in 2018;

1 WHEREAS, some 144,871 detainees and inmates are being housed in jail
2 facilities built to accommodate only 21,342 detainees, pushing the average congestion
3 rate up to 578.81%, with some jail facilities having congestion rates at 2,636.36%;

4 WHEREAS, the daily subsistence allowance of sixty pesos (P60.00) for every
5 inmate in BUCOR and BJMP facilities is less than the allowance received by inmates
6 and detainees in 1990 when adjusted to inflation;

7 WHEREAS, deteriorating living conditions in jails and prisons expose detainees
8 and inmates to hazards like the onset of infectious disease epidemic, higher suicide
9 rates, frequent inter-prisoner violence, and other similar predicaments;

10 WHEREAS, overcrowding and other problems in the Philippine corrections pillar
11 could affect the security of the government jail and prison custodians, provide
12 opportunities for acts of corruption, and cause the violation of the normative standards
13 of jail and prison management;

14 WHEREAS, the United Nations Subcommittee on Prevention of Torture and
15 Other Cruel, Inhuman or Degrading Treatment or Punishment has urged the
16 Philippines to deal urgently with prison overcrowding and improve independent
17 monitoring of places of detention;

18 WHEREAS, the move to reduce crime necessitates a functional corrections
19 system that allows individuals to accept responsibility for their actions, repair and
20 restore the harm such actions have brought to the victims and the community, and
21 rehabilitate individuals to become productive members of the society: Now, therefore,
22 be it

23 RESOLVED BY THE SENATE, as it is hereby resolved, To direct the appropriate
24 Senate Committee to conduct an inquiry, in aid of legislation, on the condition of the
25 jail and prison facilities in the Philippines, with the intent of strengthening government
26 mandate to uphold the dignity of the human person, to protect the rights and welfare
27 of persons deprived of liberty, and to rehabilitate and reform individuals in conflict
28 with the law.

Adopted,

/mdg


RALPH G. RECTO