

SENATE

S.B. No. 1004

'19 SEP -3 P12:59

Introduced by Sen. Juan Miguel F. Zubiri

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**AN ACT
ESTABLISHING A SEPARATE PRISON FACILITY FOR THOSE CONVICTED OF
HEINOUS CRIMES**

EXPLANATORY NOTE

The recent controversy on the possible release from prison of former Mayor Antonio Sanchez by virtue of the Good Conduct Time Allowance Law has opened our eyes on the vulnerability and the corrupt practices in our prison facilities and penitentiary system. The well-off prisoners and leaders of syndicates continue to live a luxurious life within the confines of our prison system. Worse, others continue their nefarious and illegal activities such as drug dealing inside the prison cell, in cahoots with prison personnel. It perpetuates the belief that there are two faces of justice in the country, justice for the poor and justice for the rich.

It is our submission that heinous crimes convicts and high-level offenders shall be kept in prison facilities with maximum security and located in an isolated or uninhabited location or in island to prevent them from escaping and have unwarranted contact with the civilian population outside of the prison facility, and become threat to society. This shall also cause possible perpetrators of heinous crimes to think twice before committing such heinous crime, as life in the heinous crime penitentiary could be worse than death. This will also prevent the heinous crimes convicts to "infect" or spread their heinous crime mentality to other prisoners convicted of lower offenses.

The establishment of the Heinous Crimes Penitentiary will solve this prevailing situation in our prison facilities and serve justice to all the victims of heinous crimes.

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


JUAN MIGUEL F. ZUBIRI

SENATE

S.B. No. 1004

'19 SEP -3 P 1:00

Introduced by Sen. Juan Miguel F. Zubiri

**AN ACT
ESTABLISHING A SEPARATE PRISON FACILITY FOR THOSE CONVICTED OF
HEINOUS CRIMES**

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

3 **SECTION 1.** *Short Title.* – This Act shall be known as "*Heinous Crimes Penitentiary Act*
4 *of 2019.*"

5 **SEC. 2.** *Declaration of Policy.* – Section 4 Article II of the Constitution provides that "[t]he
6 prime duty of the Government is to serve and protect the people." Furthermore, Section
7 5 of the same Article provides that "[t]he maintenance of peace and order, the protection
8 of life, liberty, and property, and the promotion of the general welfare are essential for
9 the enjoyment by all the people of the blessings of democracy." Consistent with these
10 provisions in the Constitution is to protect the general public from possible harm from
11 criminals convicted of heinous crimes by establishing a separate and isolated prison
12 facility for them to prevent them from escaping and conducting their illegal and criminal
13 activities.

14 **SEC. 3.** *Definition of Terms.* – As used in this Act, the following terms are defined as
15 follows:

- 16 a.) Heinous Crimes – are crimes which are described as very evil, wicked, hateful,
17 odious, abominable and totally reprehensible. These are crimes such as murder,
18 rape, robbery with violence or intimidation, kidnapping with serious illegal
19 detention, parricide, destructive arson and other heinous crimes as defined under
20 Republic Act No. 7659, and/or crimes which are punishable with capital
21 punishment, and violations of Republic Act No. 9165 or the "Comprehensive
22 Dangerous Drugs Act of 2002";
23
24 b.) Heinous Crimes Convicts – are persons convicted of heinous crimes or are those
25 considered as high-risk prisoners;
26
27 c.) Heinous Crimes Penitentiary – is a special prison facility of the Bureau of
28 Corrections for heinous crimes convicts, which shall be situated in an isolated or
29 uninhabited area, preferably in an island, which shall have maximum security to
30 prevent the prisoners from escaping or have unwarranted contact with the civilian
31 population;
32

1 **SEC. 4. *Establishment of the Heinous Crimes Penitentiary.*** – There shall be established
2 a Heinous Crimes Penitentiary or prison facility under the Bureau of Corrections. It shall
3 be built in an isolated or uninhabited area or in an island to be determined by the
4 Secretary of Justice. The Heinous Crimes Penitentiary shall be gated, shall have
5 maximum security, manned with sufficient prison guards and personnel of the Bureau of
6 Corrections and preferably, the prisoners are in solitary confinement. Heinous Crimes
7 Penitentiary may be established in several areas or regions of the country.

8 **SEC 5. *Coverage.*** – This Act shall apply to all heinous crimes convicts and high-risk
9 prisoners imprisoned at the prison facilities of the Bureau of Corrections.

10 **SEC. 6. *Transfer of Heinous Crimes Convicts.*** – Within one (1) year from the
11 establishment of the Heinous Crimes Penitentiary, all heinous crimes convicts and high-
12 risk prisoners currently serving their prison terms in the National Bilibid Prison or any
13 prison facility of the Bureau of Corrections shall be transferred to the Heinous Crimes
14 Penitentiary.

15 **SEC. 7. *Appropriations.*** – The amount necessary for the implementation of this Act shall
16 be taken from the current budget of the Department of Justice. Thereafter, such amounts
17 as may be necessary to implement this act shall be included in the annual General
18 Appropriations Act.

19 **SEC. 8. *Implementing Rules and Regulations.*** – The Secretary of Justice shall promulgate
20 the Implementing Rules and Regulations of this Act within ninety (90) days upon its
21 effectivity.

22 **SEC. 9. *Separability Clause.*** – If any portion or provision of this Act is declared
23 unconstitutional, the remainder of this Act or any provision not affected shall remain in
24 force and in effect.

25 **SEC. 10. *Repealing Clause.*** – All laws, decrees, orders, and issuances, or portions
26 thereof, which are inconsistent with the provisions of this Act, are hereby repealed,
27 amended or modified accordingly.

28 **SEC. 11. *Effectivity.*** – This Act shall take effect after fifteen (15) days following
29 completion of its publication either in the Official Gazette or in a newspaper of general
30 circulation.

31 *Approved,*