

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

6 AUG -9 P4:18

RECEIVED BY: 

SENATE

COMMITTEE REPORT NO. 86

Submitted jointly by the Committees on Public Order and Illegal Drugs; and Justice and Human Rights on

09 AUG 2006

Re: S. No. 2438, prepared jointly by the Committees.

Recommending its approval in substitution of Senate Bill No. 1984, taking into consideration the Privilege Speech of Senator Villar together with the manifestation of Senator Gordon, delivered on March 15, 2005, re: the failed jailbreak of Abu Sayyaf detainees at Camp Bagong Diwa in Bicutan, Taguig City last March 14, 2005, and Proposed Senate Resolution Nos. 113 and 214.

Sponsors: Senators Villar, Arroyo and Gordon.

MR. PRESIDENT:

The Committees on Public Order and Illegal Drugs; and Justice and Human Rights to which was referred Senate Bill No. 1984, introduced by Senator Villar, entitled:

**“AN ACT
AMENDING SECTION SIXTY THREE OF REPUBLIC ACT NUMBERED SIXTY
NINE SEVENTY FIVE OTHERWISE KNOWN AS THE ‘DEPARTMENT OF THE
INTERIOR AND LOCAL GOVERNMENT ACT OF 1990’ BY INSERTING
THERE TO A PARAGRAPH PROVIDING FOR THE ESTABLISHMENT OF AN
INTEGRATED JAIL FACILITY IN METROPOLITAN MANILA AND OTHER
HIGHLY URBANIZED CENTERS IN THE COUNTRY AND FOR OTHER
PURPOSES”;**

taking into consideration the Privilege Speech of Senator Villar together with the manifestation of Senator Gordon, delivered on March 15, 2005, re:

**“THE FAILED JAILBREAK OF ABU SAYYAF DETAINEES AT CAMP
BAGONG DIWA IN BICUTAN, TAGUIG CITY LAST MARCH 14, 2005”;**

Proposed Senate Resolution No. 113, introduced by Senator Villar, entitled:

“RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CONDITION OF DETENTION FACILITIES THROUGHOUT THE COUNTRY AMIDST REPORTS OF HARSH LIVING CONDITIONS WITH THE END VIEW OF RECOMMENDING MEASURES AS MAY BE NECESSARY TO ENSURE A HUMANE LIVING CONDITION FOR ITS INMATES”;

and Proposed Senate Resolution No. 214, introduced by Senator Villar, entitled:

“RESOLUTION

DIRECTING THE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE ATTEMPTED JAIL BREAKOUT OF TEN ABU SAYYAF GROUP MEMBERS IN CAMP BAGONG DIWA IN BICUTAN, TAGUIG CITY ON MARCH 14, 2005, WITH THE END VIEW OF DETERMINING THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY’S COMPETENCE AND PREPAREDNESS IN SUCH INCIDENT AND RECOMMENDING POLICY MEASURES TO PREVENT SIMILAR INCIDENT IN THE FUTURE”

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2438, prepared jointly by the Committees, entitled:

“AN ACT

AMENDING SECTION 63 OF REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS THE ‘DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990’ BY PROVIDING FOR THE ESTABLISHMENT OF AN INTEGRATED JAIL FACILITY IN METROPOLITAN MANILA AND IN OTHER HIGHLY URBANIZED CENTERS IN THE COUNTRY AND FOR OTHER PURPOSES”;

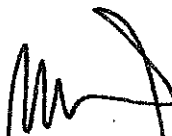
be approved in substitution of Senate Bill No. 1984, taking into consideration the Privilege Speech of Senator Villar together with the manifestation of Senator Gordon, delivered on March 15, 2005, re: the failed jailbreak of Abu Sayyaf detainees at Camp Bagong Diwa in Bicutan, Taguig City last March 14, 2005, and Proposed Senate Resolution Nos. 113 and 214, with Senators Villar, Gordon and Arroyo as authors.

Respectfully submitted,

Chairmen:

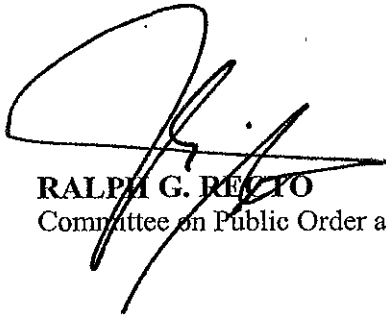


JOKER P. ARROYO
Committee on Justice and Human Rights

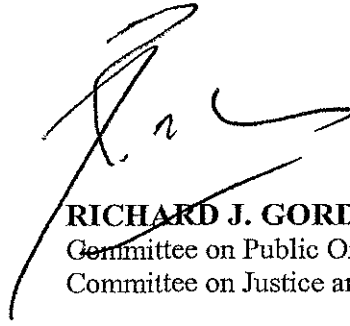


MANNY VILLAR
Committee on Public Order and Illegal Drugs
Member, Committee on Justice and Human Rights

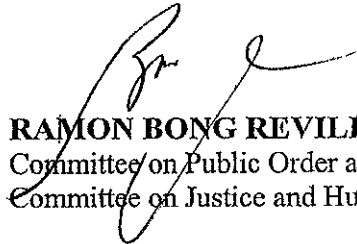
Members:



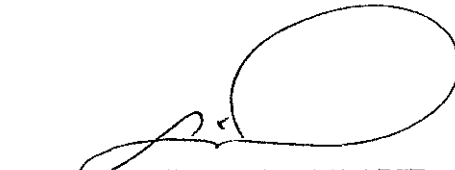
RALPH G. RECTO
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RICHARD J. GORDON
Committee on Public Order and Illegal Drugs
Committee on Justice and Human Rights



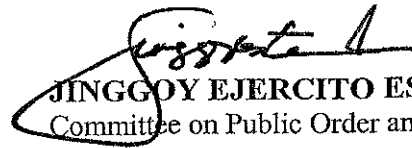
RAMON BONG REVILLA JR.
Committee on Public Order and Illegal Drugs
Committee on Justice and Human Rights



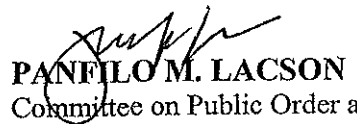
MANUEL "LITO" M. LAPID
Committee on Public Order and Illegal Drugs



JUAN PONCE ENRILE
Committee on Public Order and Illegal Drugs
Committee on Justice and Human Rights



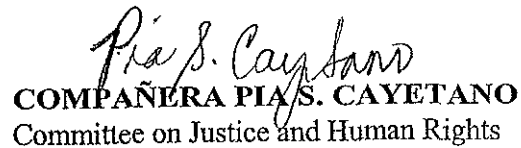
JINGGOY EJERCITO ESTRADA
Committee on Public Order and Illegal Drugs



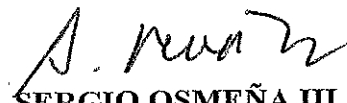
PANFILO M. LACSON
Committee on Public Order and Illegal Drugs



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Committee on Public Order and Illegal Drugs
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COMPAÑERA PIA S. CAYETANO
Committee on Justice and Human Rights



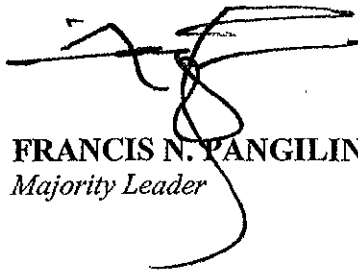
SERGIO OSMEÑA III
Committee on Justice and Human Rights

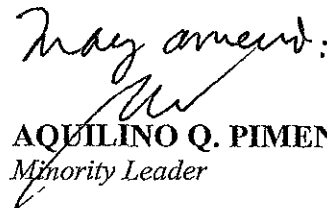


M.A. MADRIGAL
Committee on Justice and Human Rights

Ex - Officio Members :


JUAN M. FLAVIER
President Pro-Tempore


FRANCIS N. PANGILINAN
Majority Leader

May armerd:

AQUILINO Q. PIMENTEL JR.
Minority Leader

Hon. FRANKLIN M. DRILON
President
Senate of the Philippines
Pasay City

THIRTEENTH CONGRESS OF THE REPUBLIC)
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SENATE

S. No. ~~2438~~

*(In substitution of S. No. 1984
taking into consideration the Privilege Speech of Senator Villar,
together with the manifestation of Senator Gordon, delivered on March 15, 2005
re: the failed jailbreak of Abu Sayyaf detainees
at Camp Bagong Diwa in Bicutan, Taguig City last March 14, 2005
and Proposed Senate Resolution Nos. 113 and 214)*

Prepared jointly by the Committees on Public Order and Illegal Drugs; and Justice
and Human Rights with Senators Villar, Gordon and Arroyo as authors

AN ACT

**AMENDING SECTION 63 OF REPUBLIC ACT NO. 6975 OTHERWISE
KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND LOCAL
GOVERNMENT ACT OF 1990" BY PROVIDING FOR THE ESTABLISHMENT
OF AN INTEGRATED JAIL FACILITY IN METROPOLITAN MANILA AND IN
OTHER HIGHLY URBANIZED CENTERS IN THE COUNTRY, AND FOR
OTHER PURPOSES**

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

1 SECTION I. Section 63 of Republic Act No. 6975 is hereby amended to read as
2 follows:

3 "SEC. 63. *Establishment of District, City or Municipal Jail.*—

4 There shall be established and maintained in every district, city and
5 municipality a secured, clean, adequately equipped and sanitary jail for the
6 custody and safekeeping of INMATES, WHICH REFER TO THE city
7 and municipal prisoners, any fugitive from justice, or person detained
8 awaiting investigation or trial and/or transfer to the national penitentiary,
9 and/or violent mentally ill person who endangers himself or the safety of
10 others, duly certified as such by the proper medical or health officer,
11 pending the transfer to a mental institution: *PROVIDED*, THAT AN
12 INTEGRATED JAIL FACILITY SHALL BE ESTABLISHED IN

1 METROPOLITAN MANILA, WHICH SHALL CONSIST OF ALL
2 DISTRICT, CITY AND MUNICIPAL JAILS TO BE CO-LOCATED IN
3 ONE PLACE OR AREA: *PROVIDED, FURTHER*, THAT AN
4 INTEGRATED JAIL FACILITY MAY BE ESTABLISHED IN OTHER
5 HIGHLY URBANIZED CENTERS OF THE COUNTRY, AS
6 RECOMMENDED BY THE JAIL BUREAU AND APPROVED BY
7 THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR AND
8 LOCAL GOVERNMENT: *PROVIDED, FURTHERMORE*, THAT SAID
9 INTEGRATED JAIL FACILITY MAY INCLUDE JAILS OF CITIES
10 AND MUNICIPALITIES ADJACENT TO IT.

11 "INMATES IN THE EXISTING JAILS AFFECTED BY THE
12 INTEGRATION SHALL BE TRANSFERRED TO THE INTEGRATED
13 JAIL FACILITY, WHEREBY A SEPARATE AND DISTINCT JAIL
14 FOR EACH CITY AND MUNICIPALITY WITH ITS RESPECTIVE
15 JAIL WARDEN AND PERSONNEL COMPLEMENT SHALL BE
16 MAINTAINED THEREIN.

17 "THE ESTABLISHMENT OF AN INTEGRATED JAIL
18 FACILITY SHALL BE JOINTLY UNDERTAKEN BY THE
19 CONCERNED LOCAL GOVERNMENT UNITS IN ACCORDANCE
20 WITH REPUBLIC ACT NO. 7160 OTHERWISE KNOWN AS THE
21 "LOCAL GOVERNMENT CODE OF 1991" AND ITS
22 IMPLEMENTING RULES AND REGULATIONS: *PROVIDED*, THAT
23 THE REQUIREMENT FOR THE ESTABLISHMENT OF AN
24 INTEGRATED JAIL FACILITY MAY BE SOURCED FROM THE
25 FOLLOWING:

26 A. COST-SHARE OF LOCAL GOVERNMENT UNITS
27 CONCERNED;

1 B. ANNUAL APPROPRIATION FOR THE RENTAL OF THE
2 JAIL BUREAU'S OFFICES TO BE TRANSFERRED TO THE
3 INTEGRATED JAIL FACILITY;

4 C. PRIVATE SECTOR FUNDING PARTICIPATION
5 SCHEMES; AND

6 D. DONATIONS, CONTRIBUTIONS OR GRANTS FROM
7 DOMESTIC OR FOREIGN SOURCES INTENDED FOR THIS
8 PURPOSE.

9 "THE SUPREME COURT SHALL ESTABLISH
10 COURTROOMS IN THE INTEGRATED JAIL FACILITY TO SERVE
11 AS VENUES FOR JUDGES TO HEAR CASES OF INMATES
12 DETAINED UPON LEGAL PROCESSES FOR THE COMMISSION OF
13 ANY OFFENSE PUNISHABLE BY DEATH, *RECLUSION PERPETUA*
14 OR LIFE IMPRISONMENT, EXCEPT WHEN THE SUPREME COURT
15 AUTHORIZES THE JUDGE, UPON PROPER APPLICATION, TO
16 EFFECT THE TRANSFER OF THE SAID INMATE TO ANOTHER
17 VENUE."

18 "[The municipal or city jail service shall preferably be headed by a
19 graduate of a four (4)-year course in psychology, psychiatry, sociology,
20 nursing, social work or criminology who shall assist in the immediate
21 rehabilitation of individuals or detention of prisoners.] Great care must be
22 exercised so that the human rights of [these prisoners] THE INMATES are
23 respected and protected, and their spiritual and physical well-being are
24 properly and promptly attended to."

25 SEC. 2. *Implementing Rules and Regulations.*—Within sixty (60) days from the
26 approval of this Act, the Department of the Interior and Local Government, in
27 coordination with the Bureau of Jail Management and Penology and the concerned local

1 government units, shall formulate and promulgate the implementing rules and regulations
2 necessary to carry out the provisions of this Act.

3 SEC. 3. *Repealing Clause.*—All laws, decrees, orders, and rules and regulations
4 inconsistent with the provisions of this Act are hereby repealed, amended or modified
5 accordingly.

6 SEC. 4. *Separability Clause.*—If any provision of this Act is declared
7 unconstitutional, the same shall not affect the validity and effectivity of the other
8 provisions not affected thereby.

9 SEC. 5. *Effectivity Clause.*—This Act shall take effect fifteen (15) days after its
10 complete publication in the Official Gazette or in at least two (2) newspapers of general
11 circulation.

12 *Approved,*