

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3441



Introduced by **HON. REMEDIOS "MATIN" L. PETILLA** 1st District, Leyte ; **HON. EDUARDO K. VELOSO** 3RD District, Leyte ; **HON. CARMEN L. CARI** 5TH District , Leyte ; **HON. ROGER G. MERCADO** Lone District, Southern Leyte; **HON. CATALINO V. FIGUEROA** 2nd District, Western Samar; **HON. GERARDO J. ESPINA** Lone District , Biliran; **HON. MARCELINO C. LIBANAN** Lone District, Eastern Samar; **HON. REYNALDO S. UY** 1st District, Western Samar; **HON. ROMUALDO T. VICENCIO** 2nd District , Northern Samar; **HON. FLORENCIO GABRIEL NOEL**, AN WARAY Party List.

Explanatory Note

The passage of Republic Act 6975 into law gave birth to the Bureau of Jail Management and Penology (BJMP) also known as the Jail Bureau under the Department of Interior and Local Government (DILG). This legislation emphasized the government's priority and concern for the correctional institution as a vital pillar in our criminal justice system. In point, it centralized the supervision and control over all district, city, and municipal jails under the Jail Bureau, resulting in consistency and harmony in the jail management operation. A task which, prior to its enactment, was under the Office of Jail Management and Penology Service under the defunct Philippine Constabulary/Integrated National Police.

While R.A. 6975 is a landmark legislation, it is, however, unfortunate that provincial and sub-provincial jails were not included in its coverage. Instead, provincial jails continue to be supervised by their respective provincial governments. Good government recognizes that similar functions should be placed under one office/organization. Fragmentary supervision of similar functions generally creates confusion and hardly provides the atmosphere for an effective if not ideal management. It is also not in keeping with the government's policy of streamlining government's administrative machinery.

This bill mainly proposes to take away from the provincial governments the supervision and management over their provincial jails and place it with the BJMP. This proposal has several advantages.

First, this will professionalize the provincial jail guards and free provincial jails from the clutches of political influence. *Second*, this will give direction and provide for a unified and coherent policy in the administration and supervision of the disparate provincial and sub-provincial jails. *Third*, it will do away with the confusion on which government agency should be held responsible for the improvement of provincial and sub-provincial jails and the discipline of its jail personnel. *Fourth*, the provincial government should be freed from a task, which is not allied to its normal functions and thereby devotes its resources and time to the governance of the province. *Fifth*, all local jails, meaning the provincial, sub-provincial, district, city, and municipal jails will be administered by one government agency, the BJMP. *Sixth*, the objectives of penal and correctional institution through jail supervision and management could be better

attained since personnel of the BJMP have the expertise and training for the job more than local officials. Lastly, the provincial guards will welcome this development because they will become national employees with the corresponding security of tenure.

Hand-in-hand with the placing of provincial jails under the supervision and management of the BJMP, Assistant Regional Directors for Jail Management and Penology, as the head of the Regional Office of the BJMP as now designated, should be upgraded to Regional Director of the BJMP to give substance to what they actually are. The change in the designation will not greatly affect the set-up and management of the DILG but instead place the Regional Head of the BJMP at par with the Regional Head of the PNP which is a similar bureau under the DILG and the regional heads of other government agencies.

The bill, furthermore, creates the office/position of Provincial Jail Administrator for every province which will supervise and administer all local jails in the province and thus, provide vital link in the jail bureau's management of local jails nationwide.

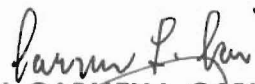
With all the foregoing considered, the passage of this bill is earnestly sought.



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1st District, Leyte

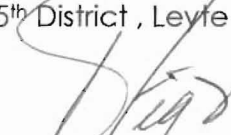


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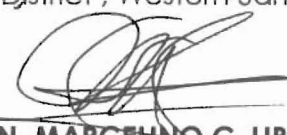
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AN ACT AMENDING SECTIONS 61, 62, 63 AND 65 OF REPUBLIC ACT NO. 6975 PLACING FOR THE PURPOSE THE PROVINCIAL JAILS UNDER THE JURISDICTION OF THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. Section 61 of Republic Act No. 6975 is hereby amended to read as follows:

"Section 61. POWERS AND FUNCTIONS. - The jail bureau shall exercise supervision and control over all **provincial, district, city and municipal jails**. [The provincial jails shall be supervised and controlled by the provincial government within its jurisdiction, whose expenses shall be subsidized by the national government for not more than three (3) years after effectivity of this act.] **Jails do not include detention centers located and being maintained by the Armed Forces of the Philippines (AFP) and Philippine National Police (PNP) camps.**"

SEC. 2. Section 62 is hereby amended to read as follows:

"Section 62. ORGANIZATION. - The jail bureau shall be headed by a chief who shall be assisted by a deputy chief **and such staff divisions to be recommended by the Chief of the Bureau of Jail Management and Penology."**

"The jail bureau shall be composed of **provincial, district**, city and municipal jails; [each city/municipal jail headed by city/municipal jail warden;] *Provided*, that, in the case of large cities and municipalities, a district jail with subordinate jails headed by a District Jail Warden may be established as necessary."

The Chief of the Jail Bureau shall recommend to the Secretary of the Department of Interior and Local Government the organizational structure and staffing pattern of the bureau as well as the disciplinary machinery for officers and men of the bureau in accordance with the guidelines set forth herein and as prescribed in Section 85 of this Act."

SEC. 3. Section 63 of the same Act is hereby amended to read as follows:

"Section 63. ESTABLISHMENT OF PROVINCIAL, SUB-PROVINCIAL, DISTRICT, CITY OR MUNICIPAL JAILS. - There shall be

established and maintained in every **province**, district, city and municipality a secured, clean, adequately equipped and sanitary jail for the custody and safekeeping of **provincial, district**, city and municipal prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or transfer to the national penitentiary, and/or violent mentally-ill person who endangers himself or the safety of others, duly certified as such by the proper medical or health officer, pending the transfer to a mental institution."

"**The provincial, sub-provincial, district**, city or municipality jail service shall preferably be headed by a graduate of a four (4) year course in Psychology, Psychiatry, Sociology, Nursing, Social work or Criminology who shall assist in the immediate rehabilitation of individuals or detention of prisoners **who may be chosen from a list of at least three (3) qualified nominees by the governor for the provincial, and district levels, by the city mayors for the city level and by the municipal mayors for the municipal levels.** Great care must be exercised so that the human rights of these prisoners are respected and protected, and their spiritual and physical well-being are properly and promptly attended to."

SEC. 4. Section 65 of the same Act is hereby amended to read as follows:

"Section 65. KEY POSITIONS. – The head of the jail bureau with the rank of Director shall have the position title of Chief of the jail bureau. He shall be assisted by a Deputy Chief with the rank of Chief Superintendent and **Chief of Staff with the rank of Senior Superintendent who shall be the head of the various Staff Division Chiefs."**

"The [assistant] heads of the [department's] Regional Offices of the Jail Bureau with the rank of senior Superintendent shall assume the [position] title of [assistant] Regional Jail Director. [Of Jail Management and Penology as provided by Section 11 [12] of this Act;] **The heads of provincial jails with the rank of Superintendent shall have the position title of Provincial Jail Administrator;** the heads of district jails with the rank of Chief Inspector shall have the position title of District Jail warden; and the heads of the city or municipal **jails** [stations] with the rank of senior Inspector shall have the position title of City or Municipal Jail warden." **The Provincial Jail Administrators shall exercise supervisory control over the provincial, district, city, and municipal jails in their respective provinces."**

SEC. 5. AUTHORITY OF THE CHIEF, BUREAU OF JAIL MANAGEMENT AND PENOLOGY TO REORGANIZE PROVINCIAL JAILS. – The Chief of the Bureau of Jail Management and Penology shall have the authority to reorganize existing provincial jails, including its offices and personnel; Provided, That, in the exercise of this power the

services of the personnel assigned therein and holding a permanent appointment shall not be terminated.

SEC. 6. SPECIAL OVERSIGHT COMMITTEE. – A special Committee is hereby created, composed of the Secretary of the Department of the Interior and Local Government as Chairman, the Secretary of the Department of Budget and Management as Co-Chairman, the Chief of the Bureau of Jail Management and Penology, the Chairman of the Commission on Audit and President of League of Provinces as members, which shall plan and oversee the expeditious implementation of the transfer and absorption into the Bureau of the property, appropriations and installation of the provincial, sub-provincial and district jails, subject to just compensation under appropriate terms and conditions.

SEC. 7. APPROPRIATIONS. – The existing appropriation for the operation and maintenance of provincial jails shall for the first year of fraction therefor after enactment into law of this Act continue to be so appropriated for the purpose. Thereafter the amount of two hundred fifty million pesos (P250,000,000.00) for the operation and maintenance of provincial and sub-provincial jails by the BJMP shall be included in the annual General Appropriations Act.

SEC. 8. SEPARABILITY CLAUSE. – Should any part, section or provision of this Act be held invalid or unconstitutional, no other part, section or provision hereof shall be affected thereby.

SEC. 9. REPEALING CLAUSE. – All laws, orders, rules or regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SEC. 10. EFFECTIVITY. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,