

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session
House Bill No. 197

Introduced by **Honorable Roilo Golez**

EXPLANATORY NOTE

This bill seeks to provide, consistent with the mandate imposed by the fundamental law and international conventions on the matter, for the modernization of the Bureau of Corrections (BuCor) to assuage wallowing and inhuman conditions of confinement and degrading or discriminatory treatment brought about by crowded, decrepit, or dilapidated buildings and penitentiary facilities. These conditions worsen as prisoner population increase calling for the modernization of the BuCor and its following detention facilities:

1. New Bilibid Prisons in Muntinlupa City;
2. Correctional Institution for Women in Mandaluyong City;
3. Iwahig Prisons and Penal Farm;
4. Sablayan Prison and Penal Farm in Occidental Mindoro;
5. San Ramon Prison and Penal Farm in Zamboanga City;
6. Leyte Regional Prison in Abuyog Leyte; and
7. Davao Prison and Penal Farm in Panabo, Davao Province.

To enable the BuCor to effectively perform its mandate of carrying out the government's institutional rehabilitation program for national offenders or those sentenced to more than three (3) years imprisonment and to ensure their safe custody.

While part of a prisoner's punishment is deprivation of certain civil rights, every prisoner has rights mandated and protected by the United Nations Standard Minimum Rules for the Treatment of Prisoners (Resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 approved by the Economic and Social Council), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights which binds our country as member of the family of nations.

However at present, cramped or overcrowded spaces, dingy toilets, substandard meals, and improper treatment of prisoners do violence to the country's obligation not only under international accords but also in our fundamental law. The sad circumstance and conditions of the inmates and jails prevent rehabilitation and instead dispense unjust and cruel punishment putting prisoners in a state of living death. As pronounced in the oft-cited decision of the *Harden v. Director of Prisons* "[p]unishments are cruel when

they involve torture or a lingering death xxx"aptly describing and may be said of the present system of confinement in our jail facilities.

Thus, there is a need to reorient and reindoctrinate jail officials and personnel in the proper handling of inmates as well as to modernize the physical jail and detention facilities in addition to providing career and vocational programs for inmates that will aid them in their rehabilitation.

Complementing the above international covenant on the treatment of prisoners, it is with equal fervor that the 1987 Constitution proscription against the imposition of unjust and cruel punishment and the use of inadequate penal facilities, to wit:

"(1) Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. Any death penalty already imposed shall be reduced to reclusion perpetua.

(2) The employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law. (Section 19 of Article III of the 1987 Constitution)"

If our present prison system should carry out effectively its purpose to dispense punishment, deterrence, reformation and rehabilitation, as well as the protection of society, it is imperative that the physical facilities to implement these purposes must be upgraded not only for the better treatment of the prisoners but also comply with our international human rights obligations. Thus, this reform is a must.

In view of the foregoing, the approval of the bill is strongly recommended.



ROILO GOLEZ

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House Bill No. _____ 197

Introduced by **Honorable Roilo Golez**

AN ACT
PROVIDING FOR THE MODERNIZATION OF THE BUREAU OF CORRECTIONS (BuCor) PROVIDING
THE FUNDS THEREOF AND FOR OTHER PURPOSES

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

Section 1. *Short Title* - This act shall be known as the "Bureau of Corrections (BuCor) Modernization Act of 2010".

Section 2. *Declaration of Policy* - It is hereby declared the policy of the State to modernize the Bureau of Corrections (BuCor) to a level where it can effectively and fully perform its mandate to carry out the institutional rehabilitation program of the government for national offenders or those sentenced to more than three (3) years imprisonment and to ensure their safe custody.

Section 3. *Objectives of the BuCor Modernization Program.* - The objectives of the modernization of the Bureau of Corrections (BuCor) is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, and appropriately secure, and which provide work and other self-improvement opportunities to assist offenders to become law-abiding citizens. This is to be accomplished thru improvement and construction of existing detention and correctional facilities

Section 4. *Thrusts and objectives of the BuCor Modernization Program.* It is the objective of the modernization of BuCor jails to enhance public safety by providing humane and secure penitentiary

facilities and confinement for the effective rehabilitation of inmates in all national prisons and correctional facilities, to wit:

1. New Bilibid Prisons in Muntinlupa City;
2. Correctional Institution for Women in Mandaluyong City;
3. Iwahig Prisons and Penal Farm;
4. Sablayan Prison and Penal Farm in Occidental Mindoro;
5. San Ramon Prison and Penal Farm in Zamboanga City;
6. Leyte Regional Prison in Abuyog, Leyte; and
7. Davao Prison and Penal Farm in Panabo, Davao Province.

and other jails which shall come under the management and supervision of BuCor. The modernization program shall be consistent with the following functions of the BuCor:

1. Confine persons convicted by the courts to serve a sentence in national prisons;
2. Keep prisoners from committing crimes while in custody;
3. Provide humane treatment by supplying the inmates' basic needs and implementing a variety of rehabilitation programs designed to change their pattern of criminal or anti-social behavior;
4. Engage in agro-industrial projects for the purpose of developing prison lands and resources into productive bases or profit centers, developing and employing inmate manpower skills and labor, providing prisoners with a source of income and augmenting the Bureau's yearly appropriations.

Section 5. *Period of Implementation* - The modernization program under this Act shall be implemented over a period of ten (10) years, Provided, however, That payments for amortization of outstanding multi-year contract obligations incurred under this Act may extend beyond this period.

Section 6. *Components of the BuCor Modernization Program* - The BuCor modernization program shall include provision for extensive reform in the recruitment, management, employment, and training of BuCor personnel particularly in the rights of inmates under United Nations Standard Minimum Rules for the Treatment of Prisoners, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights and shall provide for more humane conditions of confinement consistent with mandate of Section 19 of Article III of the 1987 Constitution.

Section 7. *Submission of the BuCor Modernization Program* - Within ninety (90) days from the effectivity of this Act, the BuCor Chief shall make a proposal or program on the modernization projects that needs to be undertaken to the Secretary of Justice and the Secretary of Budget and Management stating the modernization projects under it such as the major infrastructure construction or renovation, property acquisition, equipment and technology acquisition proposals, as well as the schedules and estimated cost of each modernization project or reconstruction project divided in annual phases.

The Secretary of Justice and the Secretary of Budget and Management shall within thirty (30) days from receipt of such proposal from the BuCor Chief, submit to the President his recommendation on the BuCor Modernization program as provided for in this Act.

Section 8. *Appropriations for the BuCor Modernization Program* - The amount necessary to carry out the initial implementation of this Act shall be charged against the current year's appropriations of the Department of Justice (DOJ). Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the succeeding General Appropriations Act.

The said annual appropriations for the BuCor modernization program shall include the amounts necessary to support the funding requirements for all modernization projects approved by the President under the preceding section.

The funds to be appropriated by Congress under this Act shall be treated as a distinct and separate budget item from the regular appropriation for the DOJ and shall be administered by the Secretary of Justice.

Congress shall allocate for the implementation of the proposed BuCor modernization program the sum of Ten billion pesos (P10,000,000,000) which shall be released in accordance with the proposed annual implementation schedule as approved by the President acting upon the joint recommendation from the Secretary of Justice and Secretary of Budget and Management.

Section 9. *Annual Report* – The Secretary of Justice and the Secretary of Budget and Management shall submit to the Senate President and the Speaker of the House of Representatives, not later than the end of the first quarter of the succeeding year following the commencement of the implementation of the BuCor modernization program as provided in this Act, an annual report on the status of the implementation of the said program.

Section 10. *Separability Clause* - If any portion or provision of this Act shall be declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other provisions in this Act not otherwise affected which shall remain in full force and effect.

Section 11. *Repealing Clause* - All laws, decrees, orders, rules and regulations, and other issuances, or parts thereof, which are inconsistent with the provisions of this Act, are hereby deemed repealed, amended or modified accordingly.

Section 12. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,