

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 316

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 jails and detention centers under the control and supervision of the Bureau of Jail and Management and Penology (BJMP) 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 jail expansion and modernization.

According to the BJMP Population Data (as of May 2007), over 60,010 inmates are fighting for space in BJPM-supervised jails under pitiful and inhuman living conditions. Citing government projections, Secretary Ronaldo V. Puno of the Department of Interior and Local Government (DILG) was quoted as saying in an Editorial published in the 28 June 2007 of the Manila Times that "the total jail population in BJMP-supervised jails could reach 89,000 in 2008, 101,250 in 2009 and 114,930 in 2010, way beyond the capacity of these institutions".

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 a 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 what may be said of the present system of confinement in BJMP-supervised jail facilities.

As mentioned above, our fundamental law – the 1987 Constitution – complements the above international covenants on the treatment of prisoners and with equal fervor proscribes 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.



ROLO GOLEZ

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AN ACT
PROVIDING FOR THE MODERNIZATION OF BUREAU OF JAIL MANAGEMENT AND PENOLOGY
(BJMP) JAILS 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 "BJMP Jails Modernization Act of 2010".

Section 2. *Declaration of Policy and Principles* - It is hereby declared the policy of the State to modernize the jails of the BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) to a level where the BJMP can effectively and fully perform its legal mandate to exercise supervision and control over all city and municipal jails under Section 61 of Republic Act No. 6975 or the "Department of the Interior and Local Government Act of 1990" and in the establishment and maintenance of secured, clean, adequately equipped and sanitary jail in every district, city and municipality for the custody and safekeeping of city and municipal prisoners pursuant to Section 63 of Republic Act No. 6975, consistent with the declared principle for the professionalization of the BJMP under Republic Act No. 9263 or the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004" for the maintenance of peace and order, protection of life and liberty and property, and promotion of the general welfare essential for the enjoyment by all the people of the blessings of democracy (Article II, Section 5 of the 1987 Constitution).

Section 3. *Thrusts and objectives of the BJMP Modernization Program.* It is the objective of the modernization of BJMP jails to enhance public safety by providing humane safekeeping and development of inmates in all district, city and municipal jail, and such program shall be consistent with the following thrusts of the BJMP:

- (a) Inmate's Welfare and Development;
- (b) Inmate's Custody, Security & Control;
- (c) Decongestion; and
- (d) Good governance

Section 4. *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 5. *Submission of the BJMP Modernization Program* - Within ninety (90) days from the effectivity of this Act, the BJMP Chief shall make a proposal or program on the modernization projects that needs to be undertaken to the Secretary of Interior and Local Government 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 Interior and Local Government and the Secretary of Budget and Management shall within thirty (30) days from receipt of such proposal from the BJMP Chief, submit to the President his recommendation on the BJMP Modernization program as provided for in this Act.

Section 6. *Appropriations for the BJMP 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 DILG. 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 BJMP 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 DILG and shall be administered by the Secretary of Interior and Local Government.

Congress shall allocate for the implementation of the proposed BJMP 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 Interior and Local Government and Secretary of Budget and Management.

Section 7. *Annual Report* – The Secretary of Interior and Local Government 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 BJMP modernization program as provided in this Act, an annual report on the status of the implementation of the said program.

Section 8. *Separability Clause* - If any portion or provision of this Act shall be declared unconstitutional or invalid, the same shall no affect the validity and effectivity of the other provisions in this Act not otherwise affected which shall remain in full force and effect.

Section 9 *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 10. *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,