

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 3652

Introduced by HON. DAISY AVANCE-FUENTES

The enactment of Republic Act 6975 gave birth to a separate and distinct Bureau of Jail Management & Penology (BJMP) also known as the Jail Bureau under the Department of the Interior & Local Government from what was once the Office of the Jail Management & Penology Service under the defunct Philippine Constabulary/Integrated National Police. BJMP is tasked to exercise supervision and control over all district, city and municipal jails. With the creation of BJMP into a separate and distinct bureau, the government emphasized the importance of and its concern for the correctional institutions as a vital pillar in our criminal justice system.

While RA 6975 is a landmark enactment for the BJMP in particular and the DILG in general, it failed to consider placing provincial and sub-provincial jails under the supervision and control of BJMP. Said jails, therefore, continued to be supervised by provincial governments. Good government dictates that agencies that perform similar functions be placed under one office or organization. Dispersed supervision of entities performing similar functions generally creates confusion and hardly provides an atmosphere for effective and ideal management. It is also not in keeping with the government's policy of streamlining administrative machineries.

This bill mainly proposes to transfer the supervision and control of provincial and sub-provincial jails from LGUs to BJMP. This proposal offers several advantages. First, this will professionalize the provincial jail guards and free provincial jails from the clutches of political influence. Second, this will give clearer direction and provide for a unified and coherent policy in the administration and supervision of all jails. Third, it will eliminate the confusion in identifying which agency should be held responsible for the improvement of provincial and sub-provincial jails and in disciplining jail personnel. Fourth, provincial governments will be freed from a task that is not allied to its normal functions and thereby devote their resources and time to the governance of the province. Fifth, all local jails, from provincial down to municipal jails, will be administered by only one agency: the BJMP. Sixth, the objectives of penal and correctional institutions through jail supervision and management could be better attained since all personnel of the BJMP have the expertise and training for the job. Lastly, provincial guards will welcome this development as they will become national employees with the corresponding security of tenure.

Hand in hand with the placing of provincial jails under the supervision and control of the BJMP, Assistant Regional Directors for Jail Management & 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 other government agencies regional heads.

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

Considering all of the foregoing, the author earnestly requests passage of this bill into law.


DAISY AVANCE-FUENTES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3652

Introduced by Hon. Daisy Avance-Fuentes

AN ACT
PLACING THE PROVINCIAL, SUB-PROVINCIAL AND DISTRICT JAILS
UNDER THE JURISDICTION OF BUREAU OF JAIL MANAGEMENT AND
PENOLOGY (BJMP), AMENDING SECTIONS 61, 62 AND 63 OF REPUBLIC
ACT NUMBERED SIXTY-NINE HUNDRED AND SEVENTY-FIVE
OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT ACT OF 1990" 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, SUB-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 the effectivity of this Act.] **JAILS DO NOT INCLUDE DETENTION CENTERS AND LOCK-UP CELLS BEING MAINTAINED BY THE ARMED FORCES OF THE PHILIPPINES (AFP), PHILIPPINE NATIONAL POLICE (PNP), NATIONAL BUREAU OF INVESTIGATION (NBI) AND THE BUREAU OF IMMIGRATION AND DEPORTATION.**

SECTION 2. Section 62 of the same Act is hereby amended to read as follows:

"Sec.62. *Organization.* The Jail Bureau shall be headed by a Chief who shall be assisted by [a deputy chief] **OTHER OFFICERS ENUMERATED IN SECTION 3 OF R.A. NO. 9263**

OTHERWISE KNOWN AS THE "BUREAU OF FIRE AND PROTECTION AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY PROFESSIONALIZATION ACT OF 2004".

"The Jail Bureau shall be composed of **PROVINCIAL, SUB-PROVINCIAL, DISTRICT**, city and municipal jails, [each headed by city/ municipal or 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 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".

SECTION 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 and adequately equipped and sanitary jail for the custody and safekeeping of **PROVINCIAL**, 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 municipal jail service shall preferably be headed by a graduate of a four (4) year course in psychology, psychiatry, sociology, nursing, social work, [or] criminology **OR A LAW GRADUATE** who shall assist in the immediate rehabilitation of individuals or detention of prisoners. 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 attend to".

SECTION 4. Provincial Jail Administrator, Sub-Provincial Jail Administrator. - The heads of the provincial and sub-provincial jails within the province shall have the rank of superintendent. The provincial jail administrator shall exercise supervisory control over the provincial, district, city and municipal jail in their respective provinces.

SECTION 5. Authority of the Chief, Bureau of Jail Management and Penology to Reorganize Provincial Jails.- The Chief, Bureau of Jail Management and Penology 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.

SECTION 6. Special Oversight Committee.- A Special Oversight 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, and the Chief of the Bureau of Jail Management and Penology, the Chairman of the Commission on Audit and the 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 installations of the provincial and sub-provincial jails, subject to just compensation under appropriate terms and conditions.

SECTION 7. Appropriations. - The existing appropriation for the operation and maintenance of provincial jails shall, for the first of fraction therefore after enactment into law of this Act, continue to be so appropriated for the purpose. Thereafter the amount of two hundred fifty million pesos (P 250,000,000.00) for the operation and maintenance of the provincial and sub-provincial jails by the BJMP shall be included in the annual General Appropriations Act.

SECTION 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.

SECTION 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.

SECTION 10. Effectivity.- This Act shall take effect fifteen (15) days after its publication in at least (2) newspapers of general circulation.

APPROVED,