

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 4619

Introduced by **Hon. Rodolfo G. Biazon**

EXPLANATORY NOTE

This Bill seeks to resolve the age-old plight of the Bureau of Corrections in terms of outdated law, inequitable personnel remuneration, obsolete facilities and equipment, and an antediluvian organizational structure.

The Bureau of Corrections (BuCor), which was created by virtue of the Reorganization Act 1407 of 1905, has seen not much major legislative updating except for a change in its name from formerly Bureau of Prisons through the Revised Administrative Code of 1987. Its operations are still based on the Prison Law of 1917 thereby making it difficult for the organization to cope up with the modern demands in penology and other functional considerations in accordance with the United Nations standards which has already shifted from punitive to reformatory treatment of prisoners.

In 1989, the population of its inmates was 12,900 and its employees numbered around 2,362 where 1,461 of which were Custodial Personnel and 901 Civilian Employees, with a prison guard-to-inmate ratio of 1:27. After 20 years, the inmate population rose to 35,400 but the number of employees in the BuCor remained stagnant at 2,362 employees, where 1,328 are Custodial Personnel and 1,034 civilian employees with a prison guard-to-inmate ratio of 1:81. The population of inmates is continuously increasing at an average rate of five percent (5%) annually. As of December 2010, the BuCor has a total of 35,937 inmates with the same 2,362 plantilla positions.

The BuCor's local government counterpart, the Bureau of Jail Management and Penology (BJMP), which is in charge of local inmates (under trial and convicted of 3 years and below), has around 8,976 employees manning 61,000 inmates at an approximate ratio of 1:18. It also has an ongoing yearly recruitment of additional 500 Jail Officers as new plantilla positions since 2007 until they reach the 1:7 ratio. The international standard of guard inmate ratio is 1:6. The Bureau of Corrections has no yearly recruitment of its Prison Guards despite its present 1:81 ratio.

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AN ACT
TO MODERNIZE THE BUREAU OF CORRECTIONS, PROVIDING FUNDS
THEREFOR AND FOR OTHER PURPOSES.

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

SECTION ONE. Title. This Act shall be known as the "*Bureau Of Corrections Act Of 2011*".

Sec. 2. Declaration of Policy. – It is the policy of the State to promote the general welfare and safeguard the basic rights of every prisoner incarcerated in each penitentiary system. It also recognizes the responsibility of the state to strengthen government capability to ensure the reformation of a prisoner towards becoming a productive member and asset of the society.

Towards this end, the State shall endeavor to modernize, professionalize and restructure the corrections system to enable it to perform its mandate.

Sec. 3. Definition of Terms. – As used in this Act, the following terms shall refer to:

- (a) *Reformation* – the act that ensures the public, including families of inmates and their victims, that released national inmates are no longer harmful to the community by becoming reformed individuals prepared to live a normal and productive life upon reintegration to the mainstream society; and
- (b) *Safekeeping* – the act that ensures the public, including families of inmates and their victims, that national inmates are provided with their basic needs, completely incapacitated from continuously committing criminal acts, and have been totally cut-off from their criminal networks or contacts in the free society, while serving sentence inside the premises of the national penitentiary. This act also includes

protection against illegal organized armed groups who have the capacity of launching attack on any prison camp of the national penitentiary to rescue their convicted comrade or to forcibly amass firearms issued to prison guards.

Sec. 4. *Bureau of Corrections.* – The Bureau of Corrections, hereinafter referred to as the BuCor, shall be the agency of the government charged in the safekeeping, rehabilitation and reformation of national inmates sentenced to more than three (3) years.

Sec. 5. *Functions of the Bureau of Corrections.* – The BuCor shall have the following functions:

(a) **Safekeeping of National Inmates** – The safekeeping of inmates shall include decent provision of quarters, food, water, and clothing in compliance with established United Nations standards. The security of the inmates shall be undertaken by the Custodial Force consisting of Corrections Officers with a ranking system and salary grades similar to its counterpart in the Bureau of Jail Management and Penology.

(b) **Reformation of National Inmates** – The Reformation Programs which will be instituted by the BuCor for the inmates shall be the following:

b.1. Moral & Spiritual Program;

b.2. Education & Training Program;

b.3. Work & Livelihood Program;

b.4 Sports & Recreation Program;

b.5. Health & Welfare Program; and

b.6. Behavior Modification Program to include Therapeutic Community;

(c) The Reformation Programs shall be undertaken by Professional Reformation Personnel consisting of Corrections Technical Officers (CTOs) with ranking system and salary grades similar to Corrections Officers (COs). CTOs and other personnel whose nature of work requires proximate or direct contact with inmates, shall be tasked in the implementation of reformation programs. CTOs shall include priests, evangelists, pastors, teachers, instructors, professors, vocational placement officers, librarians, guidance counselors, physicians, nurses, medical technologists, pharmacists, dentists, therapists, psychologists, psychiatrists, sociologists, social workers, engineers, electricians, agriculturist, veterinarians, lawyers and similar professional skills relevant to the implementation of inmate reformation programs.

Sec. 5. *Structure.* – The BuCor shall operate with a directorial structure which shall be composed of the following: (1) Directorate for Reception and Diagnostics (DRD); (2) Directorate for Security and Operations (DSO); (3) Directorate for Reformation (DR); (4) Directorate for External Relations (DER); and (5) Directorate Administration of Penal Colonies (DAP).

Sec. 6. Functions of the Directorates. – The Directorates shall have the following functions:

- (a) *Directorate for Reception and Diagnostics.* – The Directorate for Reception and Diagnostics, hereinafter referred to as the DRD, shall be responsible for reception and classification of inmates admitted to the BuCor in accordance with national and international practices.
- (b) *Directorate for Security and Operations.* – The Directorate for Security and Operations, hereinafter referred to as the DSO, shall provide for the basic needs, security, management and administration of the BuCor.
- (c) *Directorate for Rehabilitation and Reformation.* – The Directorate for Rehabilitation and Reformation, hereinafter referred to as the DRR, shall administer the rehabilitation and reformation of the inmates admitted to the BuCor.
- (d) *Directorate for External Relations.* – The Directorate for External Relations, hereinafter referred to as the DER, shall prepare the inmates due for release for reintegration into mainstream society.
- (e) *Directorate for Administration.* – The Directorate for Administration, hereinafter referred to as the DA, shall be responsible for the management, administration and internal control and audit systems of the BuCor.

Sec. 7. Computerization. – The BuCor shall employ full computerization in the build-up, maintenance and transmittal of necessary inmate records to all its Prison and Penal Farms and other recipient agencies.

Sec. 8. Real Estate of the Bureau of Corrections. – All BuCor real estate shall be used for inmate security, reformation programs and as a means to promote the sustainability of its mandate. It shall have the authority to design, formulate and implement land-use development plans and policies in order to maximize the value of its assets. All the real estate properties of the BuCor shall be registered under its name through the issuance of appropriate Certificates of Title.

Sec. 9. Facilities of the Bureau of Corrections. – The BuCor shall operate with a standard and uniform design of Prison Facilities, Reformation Facilities, and Administrative Facilities.

Sec. 10. Supervision of the Bureau of Corrections. – The Department of Justice (DOJ) shall have administrative control and supervision over the BuCor and the power to review, reverse, revise or modify its decisions.

Sec. 11. Organization and Key Positions of the BuCor. – The BuCor shall be headed by a Director who shall be appointed by the President. He shall be assisted by two (2) Deputy Directors, one (1) for administration and one (1) for security and operations who shall be appointed by the Secretary of Justice.

The Head of the BuCor with the rank of Director V shall have the position title of Director of Corrections. The Deputy Directors of the BuCor shall have the rank of Director IV.

Sec. 12. Increase of Personnel. The Bucor shall maintain the custodial personnel-to-inmate ratio of 1:7 and reformation personnel-to-inmate ratio of 1:24, and therefore is authorized to increase its manpower to meet such ratio and must continue to increase personnel per percentage rate increase of committed inmates annually.

Sec. 13. Appointment and Qualification Standards of BuCor Personnel. – No person shall be appointed as personnel of the BuCor unless he/she possesses the following minimum qualifications:

- (a) A citizen of the Republic of the Philippines;
- (b) A person of good moral character;
- (c) Must be physically and mentally fit;
- (d) Must possess a baccalaureate degree from a recognized institution of learning; and
- (e) Must possess the appropriate civil service eligibility.

Provided, That new applicants must not be less than twenty one (21) nor more than forty (40) years of age; *Provided, further,* That those who are already in the service upon the effectivity of this Act shall be given five (5) years to obtain the minimum educational qualification and eligibility; *Provided, finally,* That after the lapse of the time of period for the satisfaction of a specific requirement, current personnel of the BuCor who will fail to satisfy any of the requirements enumerated herein shall be separated from the service if they are below fifty (50) years of age and have served in the government for not less than twenty (20) years; or retired if they are age fifty (50) and above and have served in the government for at least twenty (20) years without prejudice in either case to the payment of benefits they may be entitled to under existing laws.

Sec. 14. Professionalization and Upgrading of Bucor Personnel. – For sustained professionalism in the service, the BuCor shall continue training its personnel through its Personnel Training School, which shall be renamed as Corrections Training Institute.

Sec. 15. Appointing Authorities. – The appointment of the BuCor shall be effected in the following manners:

- (a) Corrections Officer I to Corrections Senior Officer IV shall be appointed by the Bucor Director; and
- (b) Corrections Inspector to Deputy Directors of Corrections shall be appointed by the Secretary of Justice upon the recommendation of the Director of the BuCor.

Sec. 16. Lateral Entry of Officer into the BuCor. – In general, all original appointments of officers in the Bureau of Corrections shall commence with the rank of

Corrections Inspector wherein applicants for lateral entry into the BuCor shall include all those with highly specialized and technical qualifications such as, but not limited to, civil engineers, mechanical engineers, electrical engineers, chemical engineers, chemist, architects, criminologists, certified public accountants, nurses, physical therapists, dentists, social workers, psychologists, sociologists, guidance counselors, and teachers. Doctors of Medicine, members of the Philippine Bar and chaplains shall be appointed to the rank of corrections senior inspector in their particular technical service.

Sec. 17. Key Positions and Its Qualification Standards in the BuCor. – No person shall be designated to the following key positions of the BuCor unless he/she has met the qualifications provided therein:

- (a) Sub-Colony Supervisor – Should have the rank of senior inspector, who have finished at least second year Bachelor of Laws or earned at least twelve (12) units in a master's degree program in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies, or other related disciplines from a recognized institution of learning, and must have satisfactory passed the necessary training or career courses for such position as may be established by BuCor;
- (b) Colony Assistant Superintendent. – Should have the rank of chief inspector, who must have finished at least second year Bachelor of Laws or earned at least twenty four (24) units in master's degree program in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies or related disciplines from a recognized institution of learning and must satisfactory passed the necessary training or career courses for such position as may be established by the BuCor;
- (c) Colony Superintendent. Should have the rank of superintendent, who must be a graduate of Bachelor of Laws or a holder of a master's degree in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies or other related discipline from a recognized institution of learning, and must satisfactory passed the necessary training or career courses for such position as may be established by the BuCor; Provided, That in prison and penal farms with an inmate population of two thousand (2,000) but below three thousand (3,000) the Colony Superintendent shall have the rank and qualification of a Colony Senior Superintendent;
- (d) Regional Superintendent – Should have the rank of senior superintendent or chief superintendent, who must be a graduate of Bachelor of Laws or a holder of a master's degree in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies or other related discipline from a recognized institution of learning, and must satisfactory passed the necessary training or career courses for such position as may be established by the BuCor; Provided, That in prison and penal farms with an inmate population of three thousand (3,000) but below five thousand (5,000), the Regional Superintendent shall have the rank and qualification of a Colony Senior Superintendent; Provided further that in prison and penal farms with an inmate population of over five thousand (5,000), the Regional Superintendent shall have the rank and qualification of a Chief Superintendent;

Corrections Senior Officer II	Corrections Technical Senior Officer II	17	Uniformed
Corrections Senior Officer I	Corrections Technical Senior Officer I	16	Uniformed
Corrections Officer III	Corrections Technical Officer III	14	Uniformed
Corrections Officer II	Corrections Technical Officer II	12	Uniformed
Corrections Officer I	Corrections Technical Officer I	10	Uniformed

Provided: That all benefits currently being received by the personnel of the BuCor under existing laws shall continue to be received by them.

Sec. 22. Retirement Benefits. Upon compulsory retirement, any custodial officer from the rank of Corrections Chief Superintendent and below shall be entitled to retirement benefits computed on the basis of one (1) grade higher than the position last held: *Provided,* That such retirement pay shall be subject to adjustment on the prevailing scale of base pay of uniformed corrections personnel in the active service. The retirement benefits of non-uniformed personnel shall be governed by civil service laws, rules and regulations.

Sec. 23. Implementing Rules and Regulations. – Within 90 days upon the approval of this Act, the DOJ shall promulgate the rules and regulation to implement the provisions of this Act: *Provided,* That the implementation of this Act shall be undertaken in staggered basis within a period of five (5) years.

Sec. 24. Annual Report. – The BuCor, through the DOJ, and the DBM shall jointly submit to the President of the Senate and the Speaker of the House of Representatives an annual report on the implementation of this Act. This report shall include information on the application of the budget for the salary and other benefits provided under this Act. The DBM, in consultation with the BuCor through the DOJ, shall periodically review and adjust every five (5) years the rates of base pay, taking into consideration labor productivity, consumer price index, oil price and other similar economic indicators as may be determined by the National Economic and Development authority (NEDA).

Sec. 25. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

Sec. 26. 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.

Sec. 27. Effectivity. – 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.

Likewise, the BuCor miserably lags behind BJMP in terms of personnel remuneration. The entry level for a Jail Officer 1 at BJMP is SG-10 while a Prison Guard 1 of BuCor has a measly pay grade of five (5); the lowest commissioned officer of BJMP is at salary grade 22 while its BuCor counterpart is at salary grade 11. Furthermore, unlike BJMP, BuCor custodial personnel are not considered Uniformed Personnel, thereby not entitled to salary increases/bonus and other benefits pertaining to uniformed personnel enjoyed by such agencies like Bureau of Fire and Protection, National Mapping and Resource Information Authority, and Bureau of Immigration, whose jobs are not closely exposed to high-risk criminals as compared to BuCor. Promotion system in this agency has also been subjective. There are Prison Guards who are retiring after 40 years or more in service without having a taste of promotion.

The security facilities of the BuCor, despite having vast land areas under its control and supervision, are antiquated and inadequate as its present capacity has been overloaded to reach high congestion rates (141% for NBP, where 60% of national inmates are confined). Likewise, BuCor lacks modern security equipment such as surveillance cameras, handheld radios, firearms and other security-related equipment.

The BuCor's vast lands are "small worlds" of national inmates (especially those serving life sentences) though they may appear large areas of land to the free society. Its trees and vegetation were planted and taken cared of by inmates for almost 100 years and the BuCor managed to preserve large forested land within its reservation area from illegal loggers and from large influx of squatters for several decades now. Furthermore, these vast lands serve as security buffer in the event of hot pursuit against escapees. However, in the past, large portions of BuCor lands had been appropriated in favor of certain local government units and other government agencies through Presidential Proclamations and other laws to the detriment of its operations. There is therefore a need to rationalize utilization of BuCor's real estate holdings.

In view of the foregoing, the immediate passage of this bill is fervently requested.



RODOLFO G. BIAZON

Representative

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