

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

FIFTEENTH CONGRESS
First Regular Session
House Bill No. 4757

Introduced by **Honorable Roilo Golez**

EXPLANATORY NOTE

In a much earlier study in the 70s, a team of UN penological experts characterized the country's jails as "penological monstrosities". This necessitated that lines of authority be clearly drawn, accountability enhanced and reforms instituted to lessen deviant behaviors of certain individuals, at times in conspiracy with the very officials and personnel who are supposed to be their jail managers.

Republic Act No. 6975 was a major step towards this goal. The Bureau of Jail Management and Penology was given operational control over city and municipal jails. However, provincial jails remained under the supervision of the provincial Governor. A unique arrangement indeed considering that the agency directly vested by law to handle jail management does not have anything to do with provincial jails.

Recent events have proved the unreliability of this set-up with regard to provincial inmates. It has shown that there is wisdom in placing jail management under professional, well-trained and career jail managers, especially considering that those confined in provincial jails, by court order, are associated with more serious and dangerous crimes compared with city or municipal inmates.

As a response to this policy vacuum, this measure seeks to repose supervision and control over provincial jails to the Bureau of Jail Management and Penology, thus professionalizing, through the use of career jail management officers, the administration of all local jails. Command responsibility for any systems failure in jail and penology administration shall be upon the shoulders of the Secretary of the Department of Interior and Local Government.

This will then enable provincial Governors, just like the city and municipal Mayors, to concentrate on the development aspects of their respective provinces, instead of burdening them with a responsibility that is not directly related to the development needs of the province. The Governor's peace and order powers shall not be affected as this bill shall not affect, in any way, the Governor's relationships with the Philippine National Police.

Moreover, this measure, which I also filed during the 10th Congress of the House of Representatives as House Bill No. 133, will be complementary to my House Bill No. 316 entitled "AN ACT PROVIDING FOR THE MODERNIZATION OF BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP) JAILS PROVIDING THE FUNDS THEREOF AND FOR OTHER PURPOSES", which I filed this 15th Congress, in establishing the needed reforms and capacity upgrading within the BJMP institution.

For the foregoing reasons, passage of this measure is earnestly requested.



ROILO GOLEZ

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AN ACT

AMENDING SECTIONS 61, 62, 63 AND 65 OF REPUBLIC ACT NUMBERED SIXTY-NINE HUNDRED AND SEVENTY-FIVE, ENTITLED "AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A REORGANIZED DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT"

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

SECTION 1. Section 61 of Republic Act numbered Sixty-Nine Hundred Seventy-Five is hereby to read as follows:

"Sec. 61. Powers and Functions. - The Jail Bureau shall exercise supervision and control over all **PROVINCIAL**, city and municipal jails. [The provincial jails shall be supervised and controlled by the provincial government within its jurisdiction, whose expenses] **THE PROVINCIAL JAILS** shall be subsidized by the National Government [for not more than three (3) years after the effectivity of this Act]."

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

"Sec. 62. Organization.- The Jail Bureau shall be composed of **PROVINCIAL**, city and municipal jails, each headed by a **PROVINCIAL**, city or municipal jail warden: Provided, That, in the case of large **PROVINCES**, cities and municipalities, a district jail with subordinate jails headed by a district jail warden may be established as necessary.

x

x

x."

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

"Sec.63. Establishment of **PROVINCIAL**, District, City or Municipal Jail.- There shall be established and maintained in every **PROVINCE**, district, city or municipality a secured, clean, 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 municipal or city **OR PROVINCIAL** 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. xxx."

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

"Sec. 65. Key Positions. - The head of the Jail Bureau with the rank of director shall have the position title of Chief of Jail Bureau. He shall be assisted by a deputy chief with rank of chief superintendent.

The assistant heads of the Department's regional offices with the rank of senior superintendent shall assume the position title of Assistant Regional Director of Jail Management and Penology as provided by Section 12 of this Act; the heads of the **PROVINCIAL OFFICES WITH THE RANK OF SUPERINTENDENT SHALL HAVE THE POSITION OF PROVINCIAL JAIL WARDEN**; the heads of the district offices with the rank of chief inspector shall have the position title of District Jail Warden; and the heads of the city or municipal stations with the rank of senior inspector shall be known as City/Municipal Jail Warden."

SEC. 5. All laws, decrees, orders, rules and regulations, and all other issuances, or parts thereof, which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 6. If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 7. This Act shall take effect after fifteen (15) days following its complete publication in at least two (2) national newspapers of general circulation.

Approved,