



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

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5548



Introduced by Representative Ranulfo P. "Dodong" Canonigo

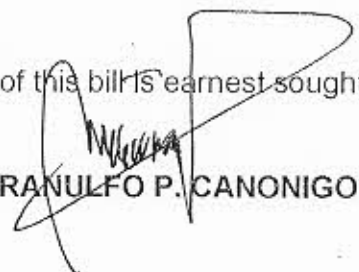
EXPLANATORY NOTE

This bill seeks to detach the Bureau of Corrections from the Department of Justice by creating the Department of Corrections. It basically transfers all the powers and functions of the existing Bureau of Corrections to the Department including but not limited to the rights, assets, and liabilities.

Under this bill, the Department of Corrections is the primary government agency in charge in the custody and rehabilitation of all offenders regardless of sentence to be served; declare land or buildings to be a prison or community work center; and contract out escort and custodial services. It is likewise mandated to confine persons convicted by the courts to serve a sentence in national prisons; keep prisoners from committing crimes while in custody; 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 and 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 Department's yearly appropriations.

This measure aims to eliminate the perception on the part of the Department of Justice that primary prosecutes offenders and were also the one tasked to rehabilitate, develop and re-educate inmates in preparation for their eventual return to the society's mainstream.

In view of the foregoing, approval of this bill is earnestly sought.


RANULFO P. CANONIGO



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AN ACT
CREATING THE DEPARTMENT OF CORRECTIONS DEFINING ITS FUNCTIONS
AND APPROPRIATING FUNDS THEREFOR 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 "*Department of Corrections Act of 2012.*"

SEC 2. **Declaration of Policy.** – It is hereby declared the policy of the State to recognize an effective rehabilitation and deterrence of the crimes to its citizens. Towards this end, the State shall protect the humane treatment of the national prisoners by establishing a sound reformation and rehabilitation facilities that will bring back the inmate into the mainstream of society as useful citizens of the country.

SEC. 3. **Department of Corrections.** To carry out the above-declared policy, there is hereby created the Department of Corrections, hereinafter referred to as the Department, which shall prepare, integrate, coordinate, supervise, and control all plans, programs, projects, and activities of the Government relative to reformation and rehabilitation of the national and local prisoners .

Sec. 4. **Powers and Functions.** The Department shall have the following powers and functions:

1. In charged with custody and rehabilitation of all offenders regardless of sentence to be served and to enforce the following:

a. Confine persons convicted by the courts to serve a sentence in national prisons.

b. Keep prisoners from committing crimes while in custody.

c. 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.

d. 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 Department's yearly appropriations.

2. Declare land or buildings, within its jurisdiction, to be a prison or community work center.

3. Contract out escort and courtroom custodial services.

4. The Minister has the following powers and functions:

Sec. 5. **Composition.** The Department Proper shall be composed of the Office of the Secretary and the Offices of the Undersecretaries and Assistant Secretaries.

Sec. 6. **Office of the Secretary.** The Office of the Secretary shall consist of the Secretary and his immediate staff.

Sec. 7. **The Secretary.** The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments.

The Secretary shall have the following functions:

(a) Establish policies and standards for the effective, efficient and economical operation of the Department in accordance with the programs of the Government;

(b) Exercise direct supervision and control over all functions and activities of the Department, as well as all its officers and personnel;

(c) Create regional offices and such other service units and divisions as may be necessary;

(d) Perform such other functions as may be necessary or proper to attain the objectives of this Act.

Sec. 8. **The Undersecretaries.** The Secretary shall be assisted by three (3) Undersecretaries who shall be appointed by the President upon the recommendation of the Secretary. The Offices of the Undersecretaries shall consist of the Undersecretaries and their respective immediate staff.

Sec. 9. **Assistant Secretaries.** The Secretary shall also be assisted by three (3) Assistant Secretaries, one (1) for operations, one (1) for policy and programs, and another for administrative services. The Assistant Secretaries shall be appointed by the President upon the recommendation of the Secretary.

Sec. 10. **Qualifications.** No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless he is a citizen and resident of the Philippines, of good moral character, and of proven competence.

Sec. 11. **Abolition of Agencies.** The Bureau of Corrections are hereby abolished subject to subsequent provisions of this Act.

Sec. 12. **Transfer of Powers and Functions.** The powers and functions of the Bureau of Corrections under the Department of Justice are hereby transferred to the Department.

The foregoing transfer of powers and functions shall include all applicable funds and appropriations, records, equipment, property, and personnel as may be necessary.

The same shall apply to agencies and government units which have not been abolished but whose functions have been transferred to the Department.

As the successor-in-office of the Bureau of Corrections, the Department shall administer the activities and programs planned and in progress of the Bureau of Corrections. For this purpose, the Department shall continue the utilization of all funds, monies, interests, reflows, and properties outstanding and accruing from the all its programs and projects.

Sec. 13. **Transfer of Rights, Assets, and Liabilities.** The Department shall, by virtue of this Act, be subrogated to all the rights and assume all the liabilities of the Bureau of Corrections, and all its government units whose functions and powers have been transferred to the Department, and all their funds, records, property, assets, equipment, and such personnel as necessary, including the unexpended appropriations and/or allocations. All contracts and liabilities of said offices, agencies, and government units are hereby transferred to and assumed by the Department and shall be acted upon in accordance with the Auditing Code and other pertinent laws, rules, and regulations: *Provided*, That the officers and employees of said offices, agencies, and government units shall continue in a holdover capacity until such time as the new officers and employees of the Department shall have been duly appointed pursuant to the provisions of this Act.

Sec. 14. **Structure and Staffing Pattern.** The organizational framework and staffing pattern of the Department shall be prescribed and approved by the Secretary within sixty (60) days after the approval of this Act and the authorized positions created therein shall be filled by regular appointments by the President or the Secretary as the case may be: *Provided*, That, in the filling of positions created, preference shall be given to the personnel of the Bureau of Corrections: *Provided*, however, That such individuals comply with the qualification standards set by the Civil Service Commission for the positions that they shall be appointed to: *Provided*, finally, That, if such individuals possess the same qualifications, seniority shall be given priority.

Sec. 15. **Separation from Service.** Employees separated from the service as a result of this reorganization shall, within six (6) months from their separation from

the service, receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations.

Sec. 16. **Appropriations.** Such sums as may be necessary for the implementation of this Act shall be taken from the current fiscal year appropriations of the Bureau of Corrections and such amounts as the President of the Philippines may allocate from other resources in accordance with law. Thereafter, the amount needed for the operation and maintenance of the Department shall be included in the annual General Appropriations Act.

Subject to existing rules and regulations, the funds and monies collected or which otherwise come into the possession of the Department and its government units from fees, surcharges, fines, and penalties which the Department and its units under this Act shall be disbursed for expenses necessary for the effective discharge of the powers and functions of the Department under this Act.

Sec. 17. **Repealing Clause.** All laws, presidential decrees, executive orders, and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 18. **Separability Clause.** If, for any reason, any Sec. or provision of this Act is held unconstitutional or invalid, the other Sec.s or provisions hereof shall not be affected thereby.

Sec. 19. **Effectivity Clause.** This Act shall take effect after its complete publication in at least two (2) national newspapers of general circulation.

Approved,