



HOUSE OF REPRESENTATIVES
House Bill No. ~~4718~~

Introduced by Rep. Victor A. Yap

The Bureau of Jail Management and Penology (BJMP) is faced with various problems of critical and chronic overcrowding of jail facilities consequently causing disturbance, escapes, substandard living conditions, poor sanitation and hygiene-related diseases.¹ With the Duterte Administration's War on Illegal Drugs, the number of inmates in our presently congested penitentiaries will continue to increase.

The BJMP, also referred to as the Jail Bureau, was created pursuant to Section 60 to 65, Chapter V of R.A. No. 6975 also known as the Department of the Interior and Local Government Act of 1990. As one of the five pillars of the Criminal Justice System, the BJMP is mandated to address growing concern of jail management and penology problem. As provided for, the Jail Bureau is mandated to take operational and administrative control over all city, district and municipal jails but excludes provincial and sub-provincial jails.

The country's penal system play a significant role in the administration of justice in our country. Hence, an enhanced coordination and harmonious relationship among local prisons is considered necessary to improve correctional services. More so, professionalizing the practice of prison supervision will ensure that the officials heading our penal system are free from the controls of political influence. Provincial governments will be freed from a task that is not in line with their main functions thereby devoting their time and resources to the governance of their constituency.

Hence, the proposal of this bill which mainly seeks to transfer the supervision and control of provincial and sub-provincial jails from Local Government Units (LGUs) to the BJMP and to professionalize prison management.

¹ <http://www.preda.org/media/research-documents/the-situation-of-the-philippine-penitentiaries/>

There are already provincial jails which opted to request BJMP for technical and operational supervision. More are expected to follow as more provincial governments recognize the BJMP's competence in the management of prisons. Through this proposed measure, there will be uniformity and boosted efficiency in the implementation of plans and programs that is geared towards BJMP's vision as *"a dynamic institution highly regarded for its sustained humane safekeeping and development of inmates."*

To guarantee the integration of local jails and professionalism of its management, the timely passage of this bill is earnestly sought.



REP. VICTOR A. YAP
2nd District, Tarlac

HOUSE OF REPRESENTATIVES

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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 THE REPUBLIC ACT NUMBER SIXTY-NINE HUNDRED AND SEVENTY-FIVE OTHERWISE KNOWN AS THE "DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT ACT OF 1990" AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives 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 PROVINCIAL, SUB-PROVINCIAL, DISTRICT, all 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:

"Section 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. 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 composed of PROVINCIAL, SUB-PROVINCIAL, DISTRICT, city and municipal jails, [each headed by a city or municipal 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 recommended 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.

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

2 **Section 63. Establishment of PROVINCIAL, SUB-PROVINCIAL, District, City or**
3 **Municipal Jail.** – There shall be established and maintained in every **PROVINCE**,
4 district, city and municipality a secured, clean adequately equipped and sanitary jail for
5 the custody and safekeeping of **PROVINCIAL**, city and municipal prisoners, any
6 fugitive from justice, or person detained awaiting investigation or trial and/or transfer to
7 the national penitentiary, and/or violent mentally ill person who endangers himself or
8 the safety of others, duly certified as such by the proper medical or health officer,
9 pending the transfer to a medical institution.

10 The **PROVINCIAL, SUB-PROVINCIAL, DISTRICT**, municipal or city jail service
11 shall preferably be headed by a graduate of a four (4) year course in psychology,
12 psychiatry, sociology, nursing, social work [or] criminology **OR A LAW GRADUATE**
13 who shall assist in the immediate rehabilitation of individuals or detention of prisoners.
14 Great care must be exercised so that the human rights of this prisoners are respected
15 and protected, and their spiritual and physical well-being are properly and promptly
16 attended to.

17
18 **SECTION 4. Provincial Jail Administrator, Sub-Provincial Jail Administrator.** –The
19 heads of the provincial and sub-provincial jails within the province shall have the rank of
20 superintendent. The provincial jail administrator shall exercise supervisory control over the
21 provincial, district, city and municipality jail in their respective provinces.

22
23 **SECTION 5. Authority of the Chief, Bureau of Jail Management and Penology to**
24 **Reorganize Provincial Jails.** – The Chief, Bureau of Jail Management and Penology have the
25 authority to reorganize existing provincial jails, including its offices and personnel; *Provided*, That
26 in the exercise of this power, the services of the personnel assigned therein and holding a permanent
27 appointment shall not be terminated.

28
29 **SECTION 6. Special Oversight Committee.** – A Special Oversight Committee is hereby
30 created, composed of the Secretary of the Department of the Interior and Local Government as
31 Chairman, the Secretary of the Department of Budget and Management as Co-Chairman, and the
32 Chief of the Bureau of Jail Management and Penology, the Chairman of the Commission on Audit
33 and the President of League of Provinces as members, which shall plan and oversee the expeditious
34 implementation of the transfer and absorption into the Bureau of the property, appropriations and
35 installations of the provincial and sub-provincial jails, subject to just compensation to just
36 compensation under appropriate terms and conditions.

37
38 **SECTION 7. Appropriations.** – The existing appropriation for the operation and
39 maintenance of provincial jails shall, for the first of fraction therefore after enactment into law of
40 this Act, continue to be so appropriated for the purpose. Thereafter the amount of two hundred fifty

1 million (P250,000,000.00) for the operation and maintenance of the provincial and sub-provincial
2 jails by the BJMP shall be included in the annual General Appropriations Act.

3
4 **SECTION 8. Separability Clause.** - If any of the provision of this Act is declared invalid,
5 the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

6
7 **SECTION 9. Repealing Clause.** - All laws, decrees, ordinances, rules and regulations,
8 administrative or executive orders, and other presidential issuances inconsistent with this Act, are
9 hereby repealed, amended or modified accordingly.

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11 **SECTION 10. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in
12 the Official Gazette or in at least two (2) newspapers of general circulation.

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14 Approved,