



Republic of the Philippines
House of Representatives
Quezon City

Seventeenth Congress
First Regular Session



HOUSE BILL NO. **4837**

Introduced by Rep. Rodel M. Batocabe, Rep. Alfredo A. Garbin, Jr., and
Rep. Christopher S. Co

AN ACT
STRENGTHENING THE JAIL AND CORRECTIONAL SYSTEM BY
CREATING THE JAIL AND CORRECTIONAL AUTHORITY AS THE
PRINCIPAL GOVERNMENT ENTITY FOR JAIL AND CORRECTIONAL
MANAGEMENT, INTEGRATING THEREWITH THE BUREAU OF
CORRECTIONS, BUREAU OF JAIL MANAGEMENT AND PENOLOGY,
ALL PROVINCIAL, SUB-PROVINCIAL, DISTRICT, CITY AND
MUNICIPAL JAILS, DEFINING ITS STRUCTURE, POWERS AND
FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

This proposed measure seeks to consolidate the management and supervision of all the jail and penal institutions in the country into a single entity to be known as the Jail and Correctional Authority, under the Office of the President, in order to strengthen, modernize and improve the country's penal system.

The investigations by the Senate and the House of Representatives on the proliferation of illegal drug trade have exposed the weaknesses of the penal system in the country.

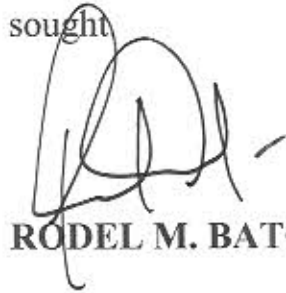
Perpetrated right inside the National Bilibid Prison in Muntinlupa, away from public eye, the illegal drug trade has grown and festered. It is conducted by convicted criminals in league with officials of the penal institution who are supposed to help in the reformation of the convicts. These officials provide protection to the convicted criminals, virtually transforming the national penitentiary into the headquarters of illegal drug operations all over the country, with several high-profile convicts acting as "business leaders." Even the lowly jail guards have been corrupted to the extent that they tolerated and even facilitated the illegal drug trade.

This practice must be stopped. A closer look at the jail and penal institutions shows that an immediate and complete reorganization is necessary to prevent the

worsening problem, and to correct the weakness and loophole in the penal system. This will provide a holistic action specifically targeted to obliterate the criminal activities inside the cells of the country's national prison.

At present, jail and correctional institutions are under the direct control and supervision of two different government departments. The Bureau of Corrections, under the Department of Justice, has jurisdiction over the New Bilibid Prison, the Correctional Institution for Women, the Iwahig Prison and Penal Farm, the Leyte Regional Prison, and the San Ramon Prison and Penal Farm. Meanwhile, the Bureau of Jail Management and Penology (BJMP), under the Department of Interior and Local Government, has jurisdiction over all of the provincial, sub-provincial, district, city, and municipal jails. These two institutions must be integrated for necessity and expediency.

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



RODEL M. BATOCABE



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

SECTION 1. **Short Title.** – This Act shall be known as the “*Jail and Correctional
Authority Act.*”

SEC. 2. **Declaration of Policy.** – It is the policy of the State to safeguard the basic
rights of every inmate and prisoners incarcerated in jails and national penitentiaries,
promote the general welfare and strengthen the government capability towards the
institutionalization of a dependable, efficient and competent jail and correctional
services. Towards this end, the State shall establish a single and unified body charged
with the execution and implementation of the laws relative to the custody, safekeeping
and rehabilitation of inmates, and the administration and upgrading of jail and
correctional facilities. All agencies charged in the administration and management of
penal institutions, and the safekeeping and custody of inmates and prisoners, are
integrated herein.

1 SEC. 3. *Jail and Correctional Authority.* – Pursuant to this declared policy, the
2 Jail and Correctional Authority, hereinafter referred to as the Authority, is hereby
3 established to be the principal and sole government agency tasked to undertake the
4 administration and management of jail and correctional institutions, and the effective
5 rehabilitation of inmates and prisoners, integrating therewith the Bureau of Corrections
6 (BuCor), Bureau of Jail Management and Penology (BJMP), and the provincial, sub-
7 provincial, district, city and municipal jails.

8 The Authority is placed under the direct control and supervision of the Office of
9 the President (OP).

10 SEC. 4. *Powers and Functions of the Authority.* – All the powers, functions,
11 duties and responsibilities of the BuCor and BJMP under their charters and under
12 special laws are transferred to the Authority which shall include the following
13 functions:

- 14 a) Custody of prisoners and inmates in jails and penal facilities;
- 15 b) Ensure effective and efficient safekeeping and rehabilitation of persons
16 convicted by the courts and serving their sentence in national prisons;
- 17 c) Maintain modern, safe and secured penal facilities by utilizing
18 technological breakthrough in security to prevent inmates from further committing
19 crimes inside jails and correctional facilities;
- 20 d) Provide humane treatment by supplying the basic needs of the inmates and
21 prisoners, implement rehabilitation programs designed to preserve human capital, adopt
22 programs for socio-civic activities designed to change their criminal tendencies and
23 anti-social behavior;

1 e) Absorb and exercise the functions and operations of the BuCor, BJMP and
2 all national prisons, provincial, sub-provincial, district, city and municipal jails
3 maintained by local government units (LGUs);

4 f) Modernize the existing national prison and penal colonies such as the
5 New Bilibid Prison in Muntinlupa City; Correctional Institution for Women (CIW) in
6 Mandaluyong City; Correctional Institution for Women (CIW) in Panabo, Davao del
7 Norte; Iwahig Prison and Penal Farm in Puerto Princesa, Palawan; Sablayan Prison and
8 Penal Farm in Occidental Mindoro; Leyte Regional Prison in Abuyog, Leyte; and San
9 Ramon Prison and Penal Farm in Zamboanga in accordance with acceptable
10 international standards;

11 g) Engage in agro-industrial projects for the purpose of developing prison
12 lands and resources into productive bases or profit centers, developing and employing
13 inmate manpower skills and labor, providing prisoners with a source of income and
14 augmenting the Authority's yearly appropriations; and

15 h) Perform such other functions as may be necessary for the proper
16 implementation of this Act.

17 SEC. 6. **Organization and Key Positions.** – The Authority is headed by an
18 Administrator who is assisted by two (2) deputy administrators: one (1) for national
19 prisons and one (1) for local jails, all of whom are appointed by the President, upon the
20 recommendation of the Secretary of Justice and the Secretary of the Interior and Local
21 Government.

22 Each deputy administrator is assisted by two (2) assistant administrators: one (1)
23 for management and rehabilitation; and one (1) for security and operations.

1 The Administrator shall hold office for a term of three (3) years, subject to
2 reappointment for another term but in no event shall the Administrator be reappointed
3 for more than two (2) terms.

4 **SEC. 7. *Duties of the Administrator.*** – The Administrator shall exercise the
5 following duties and responsibilities:

6 a) Exercise administration, management, direction, control and supervision
7 over the entire Authority;

8 b) Exercise over-all supervision and direction over the implementation of all
9 policies and development programs of the Authority;

10 c) Execute contracts, incur obligations, acquire and dispose of assets and
11 deliver documents on behalf of the Authority after the approval of the Board;

12 d) Formulate the organizational structure, operating and capital expenditures
13 and staffing pattern of the Authority on the basis of the highest possible standards of
14 merit and fitness for public servants subject to the civil service laws, rules and
15 regulations;

16 e) Implement and enforce policies, decisions, orders, rules and regulations
17 issued by courts and other pertinent authorities;

18 f) Formulate such rules and regulations for the effective management
19 and supervision of the Authority; and

20 g) Exercise such other powers and functions and perform such other duties as
21 may be authorized, delegated or assigned by the President.

22 **SEC. 7. *Creation of Jail and Correctional Board.*** – The Jail and Correctional
23 Board, hereinafter referred to as the Board, is hereby established to provide policy
24 direction and oversee the expeditious implementation of the provisions of this Act. The
25 Board is composed of the following:

- a) Executive Secretary, as chairperson;
- b) Secretary of Justice, as co-chairperson;
- c) Secretary of the Interior and Local Government, as co-chairperson;
- d) Secretary of Budget and Management;
- e) Secretary of Social Welfare and Development;
- f) Commissioner of the Civil Service Commission;
- g) Administrator of the Jail and Correctional Authority;
- h) Representative from the private sector; and
- i) Representative from the women sector; as members.

The Board shall meet at least twice a year, or as frequently as may be deemed necessary by its chairperson. In case any of the department secretaries or the Administrator cannot attend the meeting of the Board, they may be represented by an undersecretary or deputy administrator.

The President shall appoint the representatives from the private sector and the women sector for a term of three (3) years, subject to reappointment for another term but in no event shall these sectoral representatives be reappointed for more than two (2) terms. The President may revise the membership of the Jail and Correctional Board whenever necessary for the effective and efficient performance of the Board.

SEC. 8. *Powers and Functions of the Board.* – The Board shall exercise the following powers and functions:

- a) Oversee the expeditious implementation of the provisions of this Act;
- b) Formulate policies in modernizing all penal facilities in accordance with acceptable international standards;
- c) Formulate policies to prevent the operation, perpetration and continuation of criminal activity inside and within the jails and correctional facilities;

1 d) Devise means and methods to update, improve and lower the jail guard
2 to inmate ratio; and

3 e) Formulate policy and schedule on the periodic reassignment and
4 reshuffle of jail guards and wardens to avoid over familiarity with the penal facility
5 and prevent them from establishing camaraderie with the inmates;

6 SEC. 9. ***Power to Categorize Prisoners.*** – Upon the effectivity of this Act, the
7 Board shall issue such rules and regulations pertaining to the classification, commitment
8 and transfer of prisoners, taking into account the age, gravity of the offense, recidivism,
9 incorrigibility and penalty or sentence imposed upon them. The Board may use such
10 other factors as may help in determining to which jail they shall properly and
11 appropriately be placed under custody, with the end in view of decongesting the jails
12 and promoting the general welfare of the prisoners.

13 SEC. 10. ***Structure and Staffing Pattern.*** – The Administrator shall formulate
14 the staffing pattern of the Authority subject to the approval of the Board. Upon approval,
15 the authorized positions created therein shall be filled as regular appointments by the
16 Administrator.

17 In filling up the positions created, preferences are given to the incumbent
18 personnel of the BuCor, BJMP and local jails: *Provided*, That such individuals comply
19 with the qualification standards set by the Civil Service Commission for the positions
20 that they are appointed to and that no case is pending against the said incumbent
21 personnel: *Provided, however*, That if two (2) or more of such individuals possess the
22 same qualifications, the more senior personnel is given priority.

23 SEC. 11. ***Rank Classification.*** – The rank classification and the required
24 qualifications of the BJMP under Section 64 of Republic Act No. 6975, otherwise
25 known as the “*Department of the Interior and Local Government Act of 1990*,” is

1 hereby adopted for purposes of efficient administration, management and supervision as
2 well as to provide a uniform classification of jail guards, wardens, correctional officers
3 and other uniformed personnel of the Authority.

4 SEC. 12. *Retirement Age of Jail Guards and other Uniformed Personnel.* – All
5 jail guards and other uniformed personnel of the Authority are considered mandatorily
6 retired upon reaching the age of fifty-six (56).

7 SEC. 13. *Separation from the Service.* – Employees who opt to be separated from
8 the service as a result of the creation of the Authority shall receive a separation pay
9 equivalent to two (2) times the monthly basic salary for every year of service in the
10 government and the refund of their personal contributions to the GSIS plus interest
11 including the government share. In addition, those who are qualified to retire, shall be
12 allowed to retire and be entitled to all the benefits provided under any of the existing
13 retirement laws. The miscellaneous personnel benefits, the organization adjustments and
14 funds from special accounts may be used to fund this purpose.

15 SEC. 14. *Transfer of Powers and Functions.* – Within six (6) months after the
16 approval of this Act, the powers and functions of the BuCor and BJMP are hereby
17 transferred to the Authority. The foregoing transfer of powers and functions shall
18 include all applicable funds and appropriations, records, equipment, facilities, property
19 and personnel.

20 SEC. 15. *Implementation.* – The implementation of this Act shall be undertaken
21 in three (3) phases, to wit:

22 PHASE 1 – Inventory and absorption by the Authority of all personnel,
23 properties, equipment, records, appropriations, and finances of the transferred and
24 absorbed offices mentioned in Section 4 hereof, to be completed within six (6) months
25 from the effectivity of this Act.

1 PHASE 2 – Approval by the Board of the organizational structure of the
2 Authority, and the preparation and filling up of its staffing pattern, transfer of the
3 assets to the Authority to be completed within twelve (12) months from the effectivity
4 date hereof;

5 PHASE 3 – Conversion of the rank of the uniformed personnel of the defunct
6 BuCor into its equivalent rank and position in the Authority, and the rationalization of
7 compensation and retirement systems must take into consideration the existing
8 compensation schemes and retirement and separation benefit systems of the transferred
9 and absorbed offices mentioned in Section 4 hereof, ensuring that no member of the
10 Authority shall suffer any diminution in basic salary, longevity and incentive pays,
11 allowances and retirement benefits due him before the creation of the Authority. At the
12 end of this phase, all personnel of the Authority are issued appointment papers and the
13 Authority is considered fully operational.

14 SEC. 16. *Transitory Provisions.* – Upon the effectivity of this Act, the
15 incumbent Director General of the defunct BuCor shall exercise the duties and
16 functions of the Administrator and perform administrative supervision and operational
17 control over the transferred and absorb agencies until such time that a new
18 Administrator is appointed by the President.

19 All affected incumbent officers and personnel of the BuCor, BJMP, provincial,
20 sub-provincial, district, city and municipal jails shall continue to perform their official
21 functions until such time that the new reorganization is finalized and implemented.

22 Incumbent personnel whose positions are not included in the new position
23 structure and staffing pattern approved by the Board or who are not reappointed are
24 given preference to join any offices thereunder or are allowed to retire under existing
25 law. Otherwise, they are deemed separated from service and paid a gratuity equivalent to

1 two (2) months basic salary for every year of service or a fraction thereof.

2 All properties, equipment and finances of the transferred and absorbed agencies,
3 including their respective financial and contractual accountabilities are hereby
4 transferred to the Authority including the functions, appropriations, funds, records,
5 facilities, rights, assets and liabilities.

6 SEC. 17. *Appropriations.* –The amount necessary for the initial operation of the
7 Authority and the implementation of the provisions of this Act shall be taken from the
8 current year’s appropriations of the BuCor and the BJMP and the respective LGUs with
9 regard the operation of provincial jails. Thereafter, such amount necessary for the
10 operation and maintenance of the Authority shall be included in the annual General
11 Appropriations Act.

12 SEC. 18. *Separability Clause.* – In case any provision or part of this Act is
13 declared unconstitutional or invalid, the remaining parts or provisions not affected shall
14 remain in full force and effect.

15 SEC. 19. *Repealing Clause.* – All laws, presidential decrees, letters of
16 instructions, executive orders, rules, regulations, and other issuances or parts thereof
17 which are contrary to or inconsistent with the provisions of this Act are hereby repealed,
18 amended or modified accordingly.

19 SEC. 20. *Effectivity.* – This Act shall take effect fifteen (15) days after its
20 publication in at least two (2) newspapers of general circulation.

21 Approved,