

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7703



Introduced by Representative PABLO JOHN F. GARCIA

EXPLANATORY NOTE

The State values the dignity of every human person and guarantees full respect for human rights.¹ Congress must likewise “give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, [x x x].”² Article 1 of the Universal Declaration of Human Rights also states, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

It is thus a sorry state of affairs—in the face of these noble proclamations—when we see the deplorable conditions some of our countrymen experience on a daily basis inside jails.

Data provided by the Bureau of Jail Management and Penology (BJMP) in 2018 do not paint a beautiful picture. As of 31 May 2018, the Philippines’ jail congestion rate was at 582.37% (figure 1 below). The same table shows that with a target of 4.7 square meters per inmate, we have an excessive variance of 124,286 inmates for facilities designed for only 21,342. This is a mere 0.69 square meters per inmate. Other data also show that there are thousands of persons over the age of sixty, or are nearing it, in our jails (figure 2 below). These conditions have reached international notoriety.³ Rehabilitation centers and prisons have also become overcrowded.⁴ Calls have been made to release persons to prevent the spread of Coronavirus Disease (Covid-19).⁵

¹ CONST. art. II, § 11.

² CONST. art. XIII, § 1.

³ Aurora Almendral, *Where 518 Inmates Sleep in Space for 170, and Gangs Hold it Together*, available at <https://www.nytimes.com/2019/01/07/world/asia/philippines-manila-jail-overcrowding.html>.

⁴ Alberto Maretti, *Prisons and rehab overcrowding in the Philippines*, available at <https://www.aljazeera.com/indepth/inpictures/2016/12/prisons-rehab-overcrowding-philippines-161207091046623.html>.

⁵ Human Rights Watch, *Philippines: Reduce Crowded Jails to Stop COVID-19*, available at <https://www.hrw.org/news/2020/04/06/philippines-reduce-crowded-jails-stop-covid-19>.

CONGESTION RATE

at 4.7 Sq.M per Inmates

As of May 31, 2018

Region	No. of	Floor Area	Cell Area	Ideal Capacity	Jail Pop	Variance	% of
	Jails	(sq.m)	(sq.m)	4.7			Congestion
NCR	43	52,514	24,611	5,236	34,972	29,736	568%
I	20	5,727	3,135	667	4,640	3,973	596%
II	19	4,231	2,659	566	3,269	2,703	478%
III	38	13,713	7,146	1,520	12,760	11,240	739%
IVA	57	20,029	10,370	2,181	22,464	20,283	930%
IVB	19	3,261	2,245	478	1,607	1,129	236%
V	36	5,127	3,296	701	3,278	2,577	367%
VI	35	19,228	10,608	2,257	9,823	7,566	335%
VII	37	15,940	11,151	2,373	18,984	16,611	700%
VIII	38	4,210	2,172	462	2,936	2,474	535%
IX	20	5,241	3,266	695	6,287	5,592	805%
X	25	8,879	4,513	925	6,603	5,462	590%
XI	13	9,676	4,930	1,049	6,899	6,822	650%
XII	14	5,464	4,201	894	5,546	4,652	520%
XIII	25	7,211	2,726	580	3,302	2,722	469%
CAR	27	4,381	1,987	402	1,361	879	218%
ARMM	16	3,131	1,290	275	140	-135	-49%
TOTAL	482	187,964	100,305	21,342	144,871	124,286	582.37%

(figure 1)⁶

PDL AGE BRACKET

(As of May 2018)

REGION	UNDETERMINED	Below 18	18-23	24-29	30-35	36-41	42-47	48-53	54-59	Above 60	TOTAL
NCR	147	0	4,893	6,495	7,152	6,763	4,764	2,906	1,245	637	34,972
I	4	0	524	789	1,029	889	694	420	170	121	4,640
II	28	1	476	637	649	574	449	222	116	117	3,269
III	0	3	2,523	2,926	2,782	2,263	1,191	656	362	234	12,760
IV-A	218	0	2,238	4,024	4,934	4,652	3,182	1,916	886	414	22,464
MIMAROPA	9	4	178	237	301	281	285	182	74	56	1,607
V	0	4	431	606	652	591	468	251	179	136	3,278
VI	0	0	1,547	2,151	2,106	1,458	1,262	687	346	286	9,823
VII	23	1	2,589	3,997	4,007	3,512	2,485	1,366	632	367	18,984
VIII	5	4	533	612	557	516	358	190	85	76	2,936
IX	26	0	1,191	1,584	1,339	1,055	631	297	103	61	6,287
X	2	3	1,053	1,429	1,537	1,222	730	359	199	109	6,603
XI	115	0	1,228	1,496	1,548	1,209	662	414	116	111	6,899
XII	0	60	925	1,038	1,066	1,090	732	396	146	93	5,546
XIII	0	10	716	711	781	522	329	149	60	24	3,302
CAR	36	7	248	269	255	205	150	95	34	62	1,361
ARMM	0	2	27	27	29	23	18	11	1	2	140
TOTAL	613	99	21,120	29,028	30,724	26,785	18,390	10,517	4,739	2,856	144,871

(figure 1)⁷

This bill aims to help address the indignity and health hazards of overcrowding in our jail system by providing for a national comprehensive monitoring system for persons deprived of liberty therein so that measures already in place to provide them

⁶ Bureau of Jail Management and Penology, Data and Statistics, *Congestion Rate*, captured from http://web.archive.org/web/20180728161018/https://www.bjmp.gov.ph/data/datamay2018/congestion_rate-may2018.pdf.

⁷ Bureau of Jail Management and Penology, Data and Statistics, *PDL Age Bracket*, captured from https://web.archive.org/web/20180728160935/https://www.bjmp.gov.ph/data/datamay2018/pdl_age-may2018.pdf.

their due freedom are properly effected. It shall also rationalize the administration of justice by being the centralized hub of data for things such as an inmate's pending arrest warrants, ongoing cases, and other useful information.

This computerized database will complement existing social welfare programs and anti-crime initiatives to keep jail populations low. And while other solutions exist such as the construction of more jail facilities, we must take advantage of technology and ensure cost-effective measures, such as this digital network, are taken advantage of in the upliftment of Filipino life.

Our criminal justice system must be compassionate and ensure the proper reintegration of rehabilitated persons into society. Lives must be redeemed to pursue their social and economic potential—lives must be empowered so that all Filipinos may attain a law-abiding and fulfilling existence.

The urgent passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'P. Garcia', is positioned above the printed name of the representative.

Rep. PABLO JOHN F. GARCIA
3rd District, Province of Cebu

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HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7703

Introduced by Representative PABLO JOHN F. GARCIA

AN ACT
ESTABLISHING A NATIONAL MONITORING SYSTEM FOR PERSONS
DEPRIVED OF LIBERTY IN THE PHILIPPINE JAIL SYSTEM AND
APPROPRIATING FUNDS THEREFOR

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

Section 1. Short Title. - This Act shall be known as the "National PDL Monitoring System Act of 2020".

Section 2. Declaration of Policy. - It is hereby declared that the State values and affords full respect to the dignity, wellbeing, and human rights of all people. It is also the policy of the State to be compassionate and ensure that persons are not unduly deprived of liberty and are properly reintegrated into society. Furthermore, it is the policy of the State to recognize that people have social and economic potential—and that it is in the interest of all Filipinos that all persons are given every opportunity to live lawful and fulfilling lives. Lastly, it is the policy of the State to recognize the importance of science and technology, particularly secure computer and network database systems, in the efficient and effective administration of justice.

Section 3. Definition of Terms. - For the purposes of this Act, the following terms shall be defined as:

- (a) BJMP - Bureau of Jail Management and Penology;
- (b) BPP - Board of Pardons and Parole
- (c) BUCOR - Bureau of Corrections;
- (d) DICT - Department of Information and Communications Technology
- (e) DILG - Department of the Interior and Local Government
- (f) DOJ - Department of Justice
- (g) Jail - a detention or correctional facility managed by the BJMP, any law enforcement agency, or the provincial government mandated by law to safekeep, develop, and rehabilitate a PDL who is under preventive imprisonment or who is sentenced to not more than three (3) years of imprisonment by order of a court of law or competent authority;

- (h) NPMS - National PDL Monitoring System
- (i) Networked Institutions - The various courts of the Judiciary, the DOJ, the BJMP, the BUCOR, the BPP, the PPA, and all other government institutions, agencies, and/or instrumentalities charged with the administration and control of a Philippine jail;
- (j) PAO - Public Attorney's Office;
- (k) PDL - Person Deprived of Liberty; a person confined in a jail, whether undergoing preventive imprisonment or serving sentence by reason of a final judgment of conviction, who is not under the authority of the BUCOR; and
- (l) PPA - Parole and Probation Administration

Section 4. National PDL Monitoring System. - There is hereby established a national computerized monitoring network for PDLs in all jails.

Section 5. Functions and Purpose of the NPMS. - The system shall have the following functions and purposes:

- (a) It shall be a secure and encrypted digital network system which shall connect the various courts of the Judiciary, the DOJ, the BJMP, the BUCOR, the BPP, and PPA, and all other government institutions, agencies, and/or instrumentalities charged with the administration and control of a Philippine jail.
- (b) It shall serve as a database for all PDLs in the Philippine jail system and shall contain information about each PDL such as their name, personal data, biometrics, contact information, medical history and health concerns, information concerning their detention and arrest, pending cases, case history/information, case dates/incidents, possible imposable penalties based on the crime(s) charged, outstanding warrants, and any other information, which shall be determined by the NPMS Steering Committee, that are useful in the administration of justice and in taking care of PDL welfare.
- (c) It shall be a system which shall apprise networked institutions of the following data for prompt and appropriate action regarding the concerned PDL, with a referral for assistance to the PAO if necessary:
 - (1) Eligibility for release based on Section 13 of Rep. Act No. 8493 or the Speedy Trial Act of 1998 or a denial of the right to a speedy disposition of their case;
 - (2) Eligibility for release on recognizance based on Section 5 of Rep. Act No. 10389 or the Recognizance Act of 2012;
 - (3) Eligibility for release based on Section 16, Rule 114 of the Rules on Criminal Procedure;
 - (4) Eligibility for parole or probation; and
 - (5) Eligibility for remedy or release based on the Revised Penal Code or any other law, rule, or procedure, which shall be determined by the Network Steering Committee, such as, but not limited to Credit for Preventive Imprisonment, Good Conduct Time Allowance, Time Allowance for Teaching, Studying, and Mentoring, and Special Time Allowance for Loyalty.

- (d) It shall incorporate existing network systems designed for PDLs and shall be integrated with the system created by Section 5(g) of Rep. Act No. 10575 or the Bureau of Corrections Act of 2013 so far as it may serve the provisions and policies of this Act; and
- (e) Any other function or purpose assigned to it by the NPMS Steering Committee, which are consistent and not contrary to the provisions and policies of this Act.

Section 6. NPMS Steering Committee. - There is hereby established a Steering Committee composed of the following members:

- (a) Secretary of the DILG, as Chairperson;
- (b) Secretary of the DOJ; and
- (c) Secretary of the DICT

and representatives from:

- (a) The Supreme Court
- (b) The National Privacy Commission
- (c) PAO
- (d) BJMP
- (e) BUCOR
- (f) BPP
- (g) PPA

Section 7. Functions of the Steering Committee. - The Steering Committee shall:

- (a) Develop and implement the NPMS in fulfillment of the provisions and policies of this Act;
- (b) Detail the permissible purposes and uses which may be undertaken by networked institutions in using the NPMS, guided by the principles enunciated in this Act;
- (c) Prescribe what pieces of information and interface the NPMS shall contain and display;
- (d) Monitor and require compliance from networked institutions with respect to the policies, guidelines, and standards prescribed by the Steering Committee;
- (e) Conduct periodic reviews of the administration, operation, policies, rules, and regulations governing the NPMS and update the same in order to reflect contemporary best practices and standards;
- (f) Ensure that all government institutions, agencies, and/or instrumentalities charged with the administration and control of a Philippine jail shall have access and are able to utilize the NPMS; and
- (g) Perform other functions germane or related to the above-mentioned primary functions and the declared policies of this Act.

Section 8. Features of the NPMS. - The NPMS shall hereby reflect the following features:

- (a) PDL safety and privacy;
- (b) Data security and encryption;
- (c) Excellent database structure and network framework;
- (d) Comprehensiveness;
- (e) Up-to-date data;
- (f) User-friendliness;
- (g) Ease of data exchange;
- (h) Economical use of budget and resources;
- (i) Intelligibility;
- (j) Correctness;
- (k) Dependability;
- (l) Efficiency;
- (m) Adaptability;
- (n) Wide-compatibility; and
- (o) Any other standard or quality that will be set by the NPMS Steering Committee, which shall be consistent with this Act.

Section 9. Lead Developer. - The DICT shall be the lead agency tasked with the design, development, implementation, maintenance, and improvement of the NPMS.

Section 10. Penalties. - Any violation as regards the use of the NPMS shall be punished by Rep. Act No. 10173 or the Data Privacy Act of 2012 when applicable.

Section 11. Appropriation. - The amount necessary for the initial implementation of this Act shall be sourced from the current appropriations of the networked institutions. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section 12. Implementing Rules and Regulations. - The NMPS Steering Committee shall convene within sixty (60) days from the effectivity of this Act and shall promulgate the necessary implementing rules and regulations within six (6) months thereafter.

Section 13. Repealing Clause. - All laws, executive orders, proclamations, rules, regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 14. Separability Clause. - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

Section 15. Effectivity. - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,