

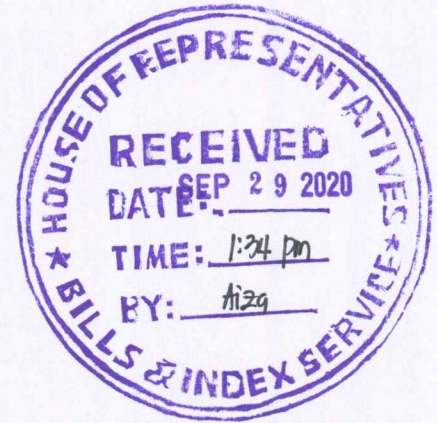


Republic of the Philippines
House of Representatives
Quezon City

EIGHTEENTH CONGRESS

Second Regular Session

House Bill No. 7793



Introduced by Representative Jose Enrique S. Garcia III

EXPLANATORY NOTE

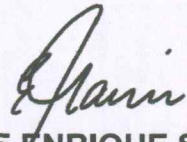
Republic Act No. 6975 otherwise known as the "Department of the Interior and Local Government Act of 1990" created the Bureau of Jail Management and Penology (BJMP) and placed under it the supervision and control of all city and municipal jails, including their establishment and maintenance in every district, city and municipality. The law, however, retained the supervision and control of provincial jails to the concerned provincial governments. This divided the administration of local jail facilities and services.

The fragmented administration of jail services in the country renders the adoption of standardized policies and operational guidelines across local jails more difficult. The BJMP has four major areas of rehabilitation program, namely: livelihood projects, educational and vocational training, recreation and sports, and religious/ spiritual activities. These programs are continuously implemented to eliminate the offenders' pattern of criminal behavior and to reform them to become law-abiding and productive citizens.

Unlike the BJMP, rehabilitation programs for inmates in provincial jails largely depend on the degree of care and attention placed by the provincial governments. The quality of administration and management of provincial jails tend to vary with the competence and resources of the provincial governments. The disparity in priorities and resources influence the provincial governments' capability and effectiveness to carry out programs designed to reform the offenders and integrate them to society.

Transferring the supervision and control of provincial and sub-provincial jails to the BJMP unshackles the provincial governments of a sensitive responsibility and allows them to concentrate and attend to the more urgent needs of their respective constituents. At the same time, the management of local jails will be unified under the BJMP, which is better-equipped and possesses the necessary expertise in discharging the task of ensuring humane safekeeping and development of inmates and persons deprived of liberty.

Support for this measure is therefore earnestly requested from my colleagues.

A handwritten signature in black ink, appearing to read 'J. Garcia III', written in a cursive style.

REP. JOSE ENRIQUE S. GARCIA III
Second District, Bataan



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AN ACT

**TRANSFERRING THE CONTROL AND SUPERVISION OF THE
PROVINCIAL AND SUB-PROVINCIAL JAILS TO THE BUREAU OF
JAIL MANAGEMENT AND PENOLOGY, AMENDING FOR THE
PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6975,
OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT ACT OF 1990" AS AMENDED, AND
FOR OTHER PURPOSES**

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

1 **SECTION 1.** Section 61 of Republic Act No. 6975, otherwise known as the
2 "Department of the Interior and Local Government Act of 1990" is hereby amended
3 to read as follows:

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

10 **SEC. 2.** Section 62 of Republic Act No. 6975 is hereby amended to read as
11 follows:

12 "Section 62. *Organization.* – The Jail Bureau shall be headed by a Chief
13 who shall be assisted by a deputy chief.

14 The Jail Bureau shall be composed of **PROVINCIAL, SUB-PROVINCIAL**,
15 city and municipal jails, each headed by a **PROVINCIAL**, city or municipal jail
16 warden: Provided, That, in the case of large **PROVINCES**, cities and

1 municipalities, a district jail with subordinate jails headed by a district jail warden
2 may be established as necessary.

3 The Chief of the Jail Bureau shall recommend to the Secretary the
4 organizational structure and staffing pattern of the Bureau as well as the
5 disciplinary machinery for officers and men of the Bureau in accordance with the
6 guidelines set forth herein and as prescribed in Section 85 of this Act.

7 **SEC. 3.** Section 63 of Republic Act No. 6975 is hereby amended to read as
8 follows:

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

18 **SEC 4.** The management, supervision and control of provincial and sub-
19 provincial jails, including all its property, equipment, and finances, are hereby
20 transferred to the Bureau of Jail Management and Penology (BJMP): *Provided,*
21 *That the concerned Provincial Government shall continue funding the subsistence*
22 *allowance of inmates and the maintenance of jail facility including but not limited to*
23 *electric and water expenses and necessary repairs until such time that the total*
24 *control and supervision of the facility shall have been transferred to the BJMP, but*
25 *not exceeding two (2) years from the effectivity of this Act.*

26 **SEC. 5.** The existing employees and personnel of provincial and sub-
27 provincial jails shall enjoy security of tenure and shall be absorbed by the BJMP
28 subject to the qualification standards as provided for in Republic Act No. 9263 and
29 other laws, rules and regulation of the Civil Service Commission: *Provided, That*
30 *those who fail to comply with the qualification standards at the time of transfer*
31 *shall be given a reasonable period from the effectivity of this Act to complete the*
32 *necessary requirements for the concerned position.*

33 **SEC. 6. Implementing Rules and Regulations.** – The Department of the
34 Interior and Local Government (DILG) and the BJMP shall promulgate the
35 Implementing Rules and Regulations (IRR) within ninety (90) days from the
36 effectivity of this Act. The IRR shall take effect within (15) days after publication in
37 the Official Gazette or in two (2) newspapers of general circulation. All subsequent
38 amendments to the IRR shall also be published before taking effect.

1 **SEC. 7. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
2 regulations or other issuances or parts thereof inconsistent with the provisions of
3 this Act are hereby repealed or modified accordingly.

4 **SEC. 8. *Separability Clause.*** – If any portion or provision of this Act is
5 declared unconstitutional, the remainder of this Act or any provision not affected
6 thereby shall remain in force and effect.

7 **SEC. 9. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or in a newspaper of general circulation.

Approved.