

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10782



Introduced by HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

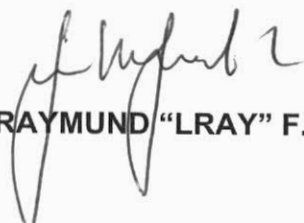
**AN ACT
INSTITUTING A UNIFIED CORRECTIONS AND JAIL MANAGEMENT SYSTEM,
INTEGRATING THE NATIONAL PRISONS AND PENAL FARMS, AND THE
PROVINCIAL, SUB-PROVINCIAL, CITY, DISTRICT AND MUNICIPAL JAILS,
ESTABLISHING FOR THE PURPOSE THE NATIONAL COMMISSION ON
CORRECTIONS AND JAIL MANAGEMENT, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES**

The Philippines has a fragmented jail management system: Prisons and penal farms are under the Bureau of Corrections (BuCor) of the Department of Justice; the provincial jails are under the provincial governments; and the district, city and municipal jails are under the Bureau of Jail Management and Penology (BJMP) of the Department of Interior and Local Government.

Disparate set of rules is not conducive to efficient and effective management of our facilities and the reformation of prisoners. Mismanagement results in unintended consequences such as overcrowding, jail disturbances, poor sanitation, maltreatment and many others.

This proposed measure seeks to integrate the management of all jails and prisons under one agency to have a common standard of practice, further professionalize management, and centralize accountability. It likewise hopes to help decongest our detention centers and implement better programs for the rehabilitation of the prisoners.

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


LUIS RAYMUND "LRAY" F. VILLAFUERTE

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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 “*Unified Corrections and Jail Management System Act.*”

Sec. 2. *Declaration of Policy.* – The State adopts the following policies:

- a) It shall uphold the welfare and well-being of all persons deprived of liberty regardless of their places of detention, whether in a national prison or correctional facility, or in a provincial, sub-provincial, city, district or municipal jail; and
- b) It shall strengthen the government capability in the custody of detainees, the safekeeping and reformation of prisoners, the upgrading and regionalization of facilities, and the professionalization of its personnel through a unified corrections and jail management system in the country.

To implement these policies, this Act is being promulgated to fulfil the following objectives:

- a) To adopt internationally recognized standards and rules in the treatment of all inmates in the different prisons and jails in the country;
- b) To integrate into one corrections and jail system and centralize to one government authority the management of all prisons and jails, the safeguarding of detainees, the custody and rehabilitation of prisoners, and the control and supervision over all administrative and technical personnel; and

- c) To establish the National Commission on Corrections and Jail Management as an independent central authority to carry out the unified correctional system, and to plan and implement services and programs related to its custodial and reformatory mandates, including the upgrading of its facilities and equipment, regionalization of its facilities, and the professionalization of its officials and employees.

Sec. 3. *Definition of terms.* – For the purposes of this Act, the following terms are hereby defined:

- a) *Person Deprived of Liberty (PDL)* – refers to any person deprived of personal liberty as a result of conviction for an offense. It shall also refer to a person arrested or detained by reason of a criminal charge, who is detained either in police custody or in jail awaiting trial or has not yet been tried and sentenced.
- b) *Prisoner or an imprisoned person* – refers to any individual deprived of personal liberty as a result of conviction for an offense.
- c) *Detainee* – refers to any individual deprived of personal liberty who is detained either in police custody or in jail awaiting trial or has not been tried and sentenced.
- d) *Correctional facility* – refers to an institution where persons convicted of crimes serve their sentences. It includes the prisons and penal farms currently under the Bureau of Corrections.
- e) *Detention center* – refers to the facility where individuals are held or endorsed for temporary deprivation of liberty after arrest.
- f) *Municipal, city or district jail* – refers to the detention center where persons deprived of liberty are detained while awaiting or undergoing trial.
- g) *Provincial or sub-provincial jail* – refers to the correction facility where persons deprived of liberty who are convicted of imprisonment for three (3) years or below serve their sentences.
- h) *National prison or regional facility* – refers to the facility where persons deprived of liberty are committed after conviction for felonies or crimes with sentence for a period exceeding three (3) years.
- i) *Nelson Mandela Rules* – refers to the rules set out in the 2015 revised United Nations (UN) Minimum Rules for the Treatment of Prisoners.

Sec. 4. *Creation of the National Commission on Corrections and Jail Management.* – There is hereby instituted a unified corrections and jail management system in the country. The National Commission on Corrections and Jail Management (Commission) is hereby established to carry out such a system integrating the correctional and jail services currently provided by relevant government agencies, such as the Bureau of Corrections (BuCor), the Bureau of Jail Management and Penology (BJMP), and the provincial governments. It shall be the sole authority with jurisdiction over all facilities and premises of national prisons and penal farms, provincial, sub-provincial, city and municipal jails, and such other correctional facilities that may be established hereafter. It shall also be responsible for the custody of detainees, and the safekeeping and rehabilitation of prisoners. Likewise, it shall exercise control and supervision over all its personnel.

The BuCor, BJMP, and the correctional and jail services of provincial governments are hereby abolished.

The following facilities shall not, however, be part of the Commission: detention centers and lock-up cells being maintained by the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Boys Town, Girls Center, and other existing youth rehabilitation centers.

Sec. 5. Powers and functions of the Commission. – The Commission shall have the following powers, duties and functions:

- a) To implement the unified corrections and jail management system, and adopt such rules and regulations necessary to carry out the objectives of this Act;
- b) To recommend policies to improve the unified corrections and jail management system in the country;
- c) To be responsible for the safe and efficient custody of the detainees, and the effective safekeeping and rehabilitation of the prisoners;
- d) To exercise supervision and control over all facilities, equipment and premises of national prisons and penal farms, provincial, sub-provincial, district, city, and municipal jails;
- e) To propose the establishment or abolition of prisons, correctional facilities and jails;
- f) To hire, discipline and manage competent and efficient personnel; and
- g) To perform such other functions as may be necessary to carry out its mandate.

The Commission shall absorb and assume the functions and responsibilities of the Bureau of Corrections, pursuant to Section 26, Chapter 8, Title III, Book IV of Executive Order No. 292 (Administrative Code of 1987), and strengthened under Republic Act No. 10575 (Bureau of Corrections Act of 2013); the Bureau of Jail Management and Penology (BJMP), pursuant to Republic Act No. 6975 (Department of Interior and Local Government Act of 1990), and strengthened under Republic Act No. 9263 (Bureau of Fire and Bureau of Jail Management and Penology Professionalization Act of 2004); and provincial governments, which maintain provincial and sub-provincial jail services pursuant to their mandate under Section 17, sub-section (3) (vi) of Republic Act No. 7160 (Local Government Code).

Sec. 6. Status and Nature of the Commission. – The Commission shall be independent and autonomous, which shall be attached to the Department of Justice (Department) solely for program and policy coordination only.

Sec. 7. Structure and Key Positions. – The Commission shall be headed by a Commissioner, with the rank of Undersecretary, who shall be assisted by two (2) Deputy Commissioners, with the rank of Assistant Secretaries, all of whom shall be appointed by the President upon recommendation by the Department Secretary; Provided, That the Commissioner and the Deputy Commissioners shall each be appointed for a term of seven (7) years; Provided, further. That in times of war or national emergency declared

by Congress, the President may extend such term.

The Commissioner shall be the Chief Executive Officer of the Commission and the presiding officer in its *en banc* sessions and meetings. He/she shall head the Operations and Legal Affairs Division, which shall be responsible for the custodial and reformatory services, security and maintenance of the facilities, and legal affairs of the Commission. One Deputy Commissioner shall be in charge of the Administration and Finance Division, which shall be responsible for the management of the personnel, finances and budgetary requirements of the Commission. The other Deputy Commissioner shall head the Policy, Planning and Development Division, which shall handle policy recommendation, and the preparation, implementation and monitoring of commission-wide programs.

Within sixty (60) days from its constitution, in consultation with the Department of Budget and Management (DBM) and the Civil Service Commission (CSC), the Commission shall approve the organizational structure, including the units under each division, staffing pattern, and the corresponding functions and delineation of responsibilities of the different units, officials and employees of the Commission.

In preparing and approving the organizational structure, staffing pattern, and definition of responsibilities of its officials and employees, the Commission shall be governed by applicable civil service rules and regulations, particularly on such matters as non-diminution of rank, salary and benefits of affected employees, and standardization of base pay, retirement and other benefits of absorbed and newly hired officials and employees.

Sec. 8. Qualification Standards of the Commissioner and the Deputy Commissioners. – No person shall be appointed Commissioner or Deputy Commissioner, unless one possesses the following minimum qualifications.

- a) A citizen of the Republic of the Philippines;
- b) A person of good moral character, and mental or psychological fitness;
- c) At least 40 years old;
- d) Must possess a degree and relevant training in law, criminology, penology, criminal justice, human rights, jail management, or correctional service; and
- e) Must have at least five (5) years of prior relevant experience working in such fields as law practice, criminology, criminal justice, penology, human rights, jail management, or correctional service.

Sec. 9. Appointment of Personnel to the Commission. – All officials and employees shall be appointed by the Commission, upon recommendation of the Commissioner or Deputy Commissioner in charge of the Division to which the official or employee shall be assigned.

Sec. 10. Professionalization and Upgrading of Qualification Standards in the Appointment of Personnel to the Commission. – In the appointment of personnel, the Commission shall be governed by the provisions of Section 11 of Republic Act No. 10575, and Section 7 of Republic Act No. 9263.

In the training of its personnel, the Commission shall establish the Corrections Training Institute, which shall be patterned after the BuCor's Corrections Training School/Institute, and BJMP's National Jail Management and Penology Training Institute.

The Commission shall conduct a study, and make recommendations to Congress, through the Department Secretary, about the feasible establishment of the Philippine Corrections Academy for its officers.

Sec. 11. *Performance Evaluation System.* – The Commission shall observe the performance appraisal and rating system mandated by Section 18 of Republic Act No. 10575, and Section 11 of Republic Act No. 9263.

Sec. 12. *Promotion System.* – In the matter of personnel movement and promotion, the Commission shall comply with the provisions of Section 17 of Republic Act No. 10575, and Section 10 of Republic Act No. 9263.

Sec. 13. *Human Rights of Persons Deprived of Liberty.* – Persons deprived of liberty (PDLs) do not lose their fundamental human rights when they are placed under detention, or when they are serving sentence. They continue to possess all human rights for the protection and preservation of life and their inherent dignity as human persons, which are not incompatible with the objective of reformation through incarceration or detention. The revised UN Standard Minimum Rules for the Treatment of Prisoners, or the Nelson Mandela Rules, are hereby adopted to be the minimum standard of conditions, treatment and rights available to prisoners and detainees. All other UN guidelines, including those for non-custodial measures, are likewise adopted and made applicable to all persons deprived of liberty.

All other basic rights, consistent with the requirements of detention or incarceration, which are embodied in, or recognized under the Constitution, the laws, particularly Republic Act No. 7438, and relevant jurisprudence shall likewise be enjoyed by all persons deprived of liberty.

Sec. 14. *Services and Programs.* – As the central authority responsible for the management of prisons and jails, and the custody and rehabilitation of prisoners and detainees, the Commission shall develop and implement programs on safe and effective custody of detainees and prisoners, and the rehabilitation and reintegration of prisoners. It shall ensure that its programs and services shall place special consideration to the following significant areas of concern:

- a) Custody of persons deprived of liberty;
- b) Reformation of prisoners;
- c) Right to adequate food, water, living and work spaces, and other basic necessities;
- d) Right to adequate legal assistance, access to court, medical and spiritual support;
- e) Right to engage in productive work or livelihood; and

- f) Right to reasonable contact with the outside world, including visitation, subject to rules on proper administration and security of the detention facility.

Sec. 15. *Transfer, Merger, and Absorption of Offices and Personnel.* – All properties, equipment and financial assets of the defunct BuCor and the national jails and penal farms; of the provincial and sub-provincial jails; and of the defunct BJMP and the existing district and city or municipal jails, shall be transferred to the Commission. The transfer, merger, and/or absorption of the affected offices shall cover the functions, official records, equipment, facilities, choses in action, assets, liabilities, if any, and the existing personnel thereof. Those personnel whose positions or functions are not included in the new organizational structure and staffing pattern approved by the Department Secretary, or who are not reappointed, shall be allowed to retire under existing laws, rules and regulations. Otherwise, they shall be deemed separated from the service, and shall be paid a gratuity equivalent to one and one fourth (1 ¼) months basic salary for every year of service or a fraction thereof.

Sec. 16. *Retirement Age of Uniformed Personnel of the Defunct BuCor and BJMP.* – Any uniformed personnel of the defunct BuCor and BJMP, who shall be absorbed by the Commission may, upon reaching the age of fifty-six (56) years, retire in accordance with Republic Act No. 6975 or Republic Act No. 10575. If he/she opts to remain in the service, he shall be retired in accordance with Government Service Insurance System (GSIS) Retirement System under Presidential Decree No. 1146, as amended.

Sec. 17. *Retirement Benefits.* – Upon compulsory retirement, any uniformed officer of the Commission shall be entitled to retirement benefits computed on the basis of one (1) grade higher than the position last held: Provided, That the retirement pay shall be subject to adjustment based on the prevailing scale of base pay for uniformed personnel in the active service.

Sec. 18. *Establishment and Maintenance of Prisons, Penal Farms and Jails.* – The existing provincial, sub-provincial, district, city and municipal jails shall continue to function as such, but under the authority and management of the Commission. The Commission shall periodically conduct a study of the conditions of these jails, and, if warranted, shall recommend to Congress the establishment of additional or appropriate jails. The provincial and sub-provincial jails shall be the detention 1 facilities for prisoners serving sentences with penalties of imprisonment for three (3) years and below. The district, city and municipal jails shall be for detainees, who fail to post bail and are awaiting sentences.

The national prisons and correctional facilities shall include the existing national prisons and penal colonies such as the New Bilibid Prison; Correctional Institution for Women; Iwahig Prison and Penal Farm; Davao Prison and Penal Farm; Sablayan Prison and Penal Farm; Leyte Regional Prison; and San Ramon Prison and Penal Farm. Following periodic studies on the conditions of these facilities, the Commission may recommend to Congress the establishment of additional or appropriate prisons or correctional facilities. These facilities shall be the detention centers of prisoners who are serving sentences

with penalties of imprisonment of at least three (3) years and one (1) day.

Sec. 19. *Regional Correctional Facilities.* – The national prisons and penal farms mentioned in Section 18 are hereby repurposed for use as regional correctional facilities, without prejudice to the establishment of such additional facilities to be recommended by the Commission and approved by Congress in appropriate legislation. These regional facilities shall be established to serve all the administrative regions in the country, including the National Capital Region (NCR), the Cordillera Administrative Region (CAR), and the Autonomous Region in Muslim Mindanao (ARMM).

Prisoners shall be transferred to the regional facilities nearest their domicile or prior habitual residence. The rules and guidelines for this disengagement of national prisons and penal colonies, as well as the transfer of prisoners, shall be issued by the Commission.

Sec. 20. *Power of the Commission to Classify Prisoners, and to Order their Transfer.* – Upon the effectivity of this Act, the Commission shall issue rules and regulations pertaining to the classification, commitment and transfer of the prisoners and detainees, taking into account their age, mental health, incorrigibility or recidivism, nature and gravity of the offense committed, penalty or sentence imposed on them, and other such circumstances as may assist in determining to which correctional facility they shall be properly placed, for the purpose of decongesting the prisons and jails and promoting the welfare and well-being of the persons deprived of liberty.

Following a set of criteria and defined rules, the Commission may order the transfer of a prisoner or detainee to another facility considering such circumstances as the behaviour of the prisoner or detainee, and such other relevant factors as the security and orderly administration of his/her current place of detention.

Sec. 21. *Transition Monitoring Panel.* – A Transition Monitoring Panel shall be created to be composed of the Secretary of Justice as Chair, and as members, the Secretaries of the Department of Interior and Local Government and the DBM, the Chair of the CSC, the Commissioner of the Commission, and the Chairs of the committees of the Senate and House of Representatives on Justice, Human Rights and Public Order. The Committee shall oversee the expeditious and efficient implementation of the transfer to, and absorption by the Commission of the personnel, properties, finances and records of the BuCor, including the national prisons and penal farms; of the BJMP, including the existing district, city and municipal jails; and of the provincial governments pertaining to provincial and sub-provincial jails. The report/s of the Transition Panel shall be submitted to the Joint Congressional Oversight Committee, with copies to be furnished to the Secretary of Justice and the Commission.

Sec. 22. *Joint Congressional Oversight Committee.* – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act. The Oversight Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House

of Representatives, respectively. It shall be co-chaired by a Senator and a Representative to be designated by the Senate President and the Speaker of the House of Representatives, respectively. Its funding requirement shall be charged against the appropriations of Congress.

Sec. 23. *Implementation.* – The implementation of this Act shall be carried out in four (4) stages:

- a) STAGE I – Inventory and absorption by the Commission of all personnel, properties, equipment, records, appropriations, and finances of the transferred and absorbed offices, to be completed within six (6) months from the effectivity of this Act.
- b) STAGE II – Recruitment of additional personnel to cover all prisons and jails, to be completed within six (6) months from effectivity of this Act. To accomplish the task of Stage II, special funds therefor shall be appropriated upon the effectivity of this Act.
- c) STAGE III – Approval by the Commission of its organizational structure, and the preparation and filling up of staffing pattern, to be completed within twelve (12) months from the effectivity of this Act.
- d) STAGE IV – Conversion of the rank of the uniformed personnel of the defunct BJMP and BuCor into its equivalent rank/position in the Commission, and the rationalization of compensation and retirement systems, taking into consideration the existing compensation schemes and retirement and separation benefit systems of the transferred and absorbed offices, to ensure that no employee of the BuCor and BJMP shall suffer any diminution in basic longevity and incentive pays, allowances and retirement benefits due them before the creation of the Commission,' to be completed within (2) years from the effectivity of this Act.

Upon the effectivity of this Act, the present BuCor, as well as the BJMP, shall cease to exist. The incumbent Director-General of the defunct BuCor shall act as the Commissioner of the Commission until such time as he/she shall have been replaced by the President.

Sec. 24. *Funding.* – For purposes of organizing and constituting the Commission, and for carrying out the provisions of this Act, the appropriations for the current fiscal year of the transferred and abolished offices hereof shall be transferred to the Commission. Thereafter, such amounts as may be necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

Sec. 25. *Implementing Rules and Regulations.* – Within six (6) months from the effectivity of this Act, the Commission shall promulgate rules and regulations necessary to ensure the effective implementation of this Act.

Sec. 26. *Separability Clause.* – If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

Sec. 27. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Sec. 28. *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,