

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Nineteenth Congress
First Regular Session

HOUSE BILL NO. 544



Introduced by Rep. DANILO RAMON S. FERNANDEZ

EXPLANATORY NOTE

In the Philippine correctional system, only the National Bilibid Prison (NBP) has a complete educational program from primary to tertiary levels. Formal education is not offered in the six (6) other correctional facilities located all over the country (the so-called national prisons or penitentiaries managed and supervised by the Bureau of Corrections). There, as in the hundreds of provincial, district, city and municipal jails managed and supervised by the provincial governments and the Bureau of Jail Management and Penology (BJMP), only the alternative learning system and vocational and technical courses are offered.

This is rather unfortunate since studies after studies have consistently shown that prison education is a proven strategy for: (1) reducing criminal recidivism; and (2) improving economic opportunities for individuals serving prison sentences, as well as former inmates transitioning into civilian life.

Prison education is beneficial to society for a number of reasons. It helps mitigate some of the sociological drivers to criminal behavior and incarceration, such as economic disadvantage and racial inequality. In addition, formal education imparts to the inmates not only literacy but also social skills, including methods and approaches in dealing with their emotions. Couple these with spiritual education and values formation, and there is a better chance of having prisoners ready to be reintegrated into the mainstream of society.

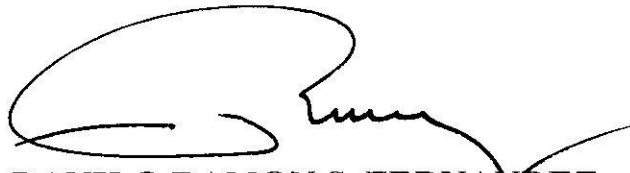
It is not only the inmates who stand to benefit from formal schooling inside the prisons, but society as well. With less recidivism, we

expect to witness safer neighborhoods, more vibrant communities (since former prisoners could become productive members of society once again), and less tax burden upon the ordinary citizens in maintaining an enormous prison system.

At a time when Congress, through the legal system, has enacted a raft of measures providing for compulsory elementary education, free secondary education and universal access to quality tertiary education, it is sincerely hoped that our prisoners would not be left behind. At the very least, they should be given a second chance in life.

Finally, it must be remembered that our country is a State Party to the United Nations Minimum Standards for the Treatment of Prisoners. Construe this international treaty/convention obligation with the provision of our very own 1987 Constitution which states that “the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law” [Section 19, paragraph (2) of Article III].

In view of all the foregoing considerations, the early approval of this bill is earnestly requested.



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HOUSE BILL NO. 544

Introduced by Rep. DANILO RAMON S. FERNANDEZ

AN ACT
INSTITUTIONALIZING A SYSTEM OF FREE FORMAL
EDUCATION FROM ELEMENTARY TO TERTIARY LEVELS
FOR PRISONERS IN ALL PENAL INSTITUTIONS, PROVIDING
FUNDS THEREFOR AND FOR OTHER PURPOSES

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 “Prison Education Act of 2020.”

SEC. 2. *Declaration of Policy.* – It is hereby declared that quality education is an inalienable right of all Filipinos and that it is the policy of the State to protect and promote the rights of all citizens to quality education at all levels. Therefore, the State shall take appropriate steps to make such education accessible to all.

Further, it is the policy of the State to promote the general welfare and safeguard the basic rights of every prisoner incarcerated in our penal institutions. It recognizes the responsibility of the State to put in place a truly reformatory and rehabilitative prison system.

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

(a) *Alternative Learning System (ALS)* – refers to a program implemented by the Department of Education (DepEd) which provides basic literacy and livelihood skills to inmates, among others, without going through regular classes;

(b) *Correctional facilities* – include the country’s prisons under the management and supervision of the Bureau of Corrections (BuCor), jails

[municipal, city and district] and detention centers under the management and supervision of the Bureau of Jail Management and Penology (BJMP), and provincial and sub-provincial jails under the management and supervision of the provincial governments;

(c) *Inmates* – refer to persons deprived of liberty as a result of conviction for an offense. They shall include detainees who are awaiting trial or who are undergoing trial, as well as those serving short sentences but exclude detainees who are under investigation;

(d) *Penal institutions* – shall be used interchangeably with correctional facilities; and

(e) *Prisoners* – shall have the same meaning as inmates.

SEC. 4. *Implementation of A System of Free Formal Education At All Levels In Penal Institutions.* – The BuCor, the BJMP, and the provincial governments, in coordination with the DepEd and the Commission on Higher Education (CHED), shall establish and implement a system of free formal education from elementary to tertiary levels to be conducted on-site in all penal institutions throughout the country.

In the establishment and operation of such formal schooling, the safety and welfare of both the teachers and the inmates shall be paramount considerations.

SEC. 5. *Curriculum.* – In the implementation of the school-in-prison program, the DepEd and the CHED shall follow the same curricula as prescribed in their regular academic programs.

SEC. 6. *Faculty.* – All the teachers assigned or recruited under the program shall undergo a special training in correctional education. They shall be entitled to reasonable traveling expenses, to and from the correctional facility, and to hazard pay.

The DepEd shall train qualified full-time teachers for the program, who preferably shall be residents of the barangay, municipality, city or province where the correctional facility is located.

The CHED shall establish linkages with the Local University or College (LUC) or State University or College (SUC) nearest to the correctional facility, which is willing to become an educational partner under the program, for purposes of recruiting qualified faculty members.

In case of absence or shortage of professional teachers from the DepEd and/or the CHED, full-time employees of the Education Section of the BuCor and the BJMP, as applicable, may be recruited as faculty members under the program, subject to accreditation by the DepEd and

the CHED. In no case, however, shall volunteers from NonGovernmental Organizations (NGOs) or any other civic or private organization shall be recruited as teachers.

SEC. 7. *Inmate-Students*. All prisoners from the three (3) security groupings – minimum, medium and maximum – as well as those awaiting trial, undergoing trial or convicted with short sentences, shall be given access to education under the program. However, the concerned correctional facility shall adopt a rigid screening process that shall include a panel interview, in order to determine the desire to study and the current academic level of the applicants and to exclude probably unmotivated or disruptive students from the program.

SEC. 8. *Infrastructure and Facilities*. – Subject to the availability of a parcel of land, there shall be constructed a building in all penal institutions which shall house, among other facilities, classrooms, a computer room, an audio-visual room and a library for the on-site implementation of the program. In the absence of an available lot, the visitors / reception area, recreation area, prison chapel, and any other common area(s) shall be utilized for the implementation of the program.

SEC. 9. *Alternative Learning System (ALS), Vocational-Technical and/or Correspondence Courses*. – The existing Alternative Learning System (ALS), vocational-technical, and/or correspondence courses, if any, in the various penal institutions of the country shall be continued and strengthened.

SEC. 10. *Credits or Allowance for Good Behavior*. – Participation in the formal education system under this Act shall entitle the inmates reasonable credits or allowance for good behavior.

SEC. 11. *Implementing Rules and Regulations*. – Within one hundred and twenty (120) days from the effectivity of this Act, the BuCor, the BJMP and the Department of the Interior and Local Government [in behalf of the provincial governments], together with the DepEd and the CHED, shall promulgate the Implementing Rules and Regulations (IRR).

SEC. 12. *Appropriations*. - The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 13. *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 so affected.

SEC. 14. *Repealing Clause.* - All laws, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 15. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,