



Introduced by **HON. BRIAN RAYMUND S. YAMSUAN**

EXPLANATORY NOTE

One of the primary challenges with the Philippine correctional system lies in its fragmentation. Currently, the responsibilities for managing correctional facilities are distributed among various agencies, including the Bureau of Jail Management and Penology (BJMP) under the Department of Interior and Local Government, the Bureau of Corrections (BuCor) under the Department of Justice, and local government units. This decentralized approach has led to weak coordination and limited resources, resulting in the establishment of informal coping practices¹, which, in the long run, give rise to negative consequences that perpetuate a corrupt style of penal management.

Overcrowding is one of the most pressing issues faced by prisons and jails in the country. In 2018, the Philippines held the sixth-highest prison population out of 21 Asian countries. According to the latest data from the Bureau of Jail Management and Penology (BJMP) and the Bureau of Corrections (BuCor), the Philippines' currently has a congestion rate of 321%, with the New Bilibid Prison recording the highest congestion rate at 377%.²

Facility	PDL Population	Capacity	Occupancy Rate (%)	Congestion Rate (%)
New Bilibid Prison (NBP)	30,701	6,435	477%	377%
Correctional Institution for Women – Mandaluyong (CIW)	3,345	1,008	332%	232%
Iwahig Prison and Penal Farm (IPPF)	2,462	675	365%	265%
Davao Prison and Penal Farm (DPPF)	6,788	1,499	453%	353%
Correctional Institution for Women – Mindanao	552	227	243%	143%
San Ramon Prison and Penal Farm (SRPPF)	2,742	733	374%	274%
Sablayan Prison and Penal Farm (SPPF)	2,452	994	247%	147%
Leyte Regional Prison (LRP)	2,519	679	371%	271%
TOTAL	51,561	12,251	421%	321%

Table 1: Congestion Rate as of 30 June 2023

Under these conditions, the facilities are stretched beyond their capacities, resulting not only in deplorable living conditions and increased tensions among the inmates, but also in a non-conducive work environment and systems for the penal officers. As of 30 June 2023, the ratio of Correction Officer to PDLs is 1 is to 30³, which is far from the ideal custodial ratio,

¹ Informal organizational coping practices refer to the *mayores*, *pangkat*, *VIP*, and *kubol* system. See Narag, R. E. (2020). *Understanding the conditions of New Bilibid Prisons: Implications for Integrated Reforms*.

² Bureau of Corrections for Planning and Management, “Initial Inputs for the President’s SoNA 2023”

³ Bureau of Corrections for Planning and Management, “Initial Inputs for the President’s SoNA 2023”

pegged at 1 is to 7.⁴ Moreover, the current lack of uniformity in rehabilitation programs fails to address the diverse needs of the inmate population, leading to high recidivism rates.

To address these inherent flaws in the country's correctional system, there is a need to establish a unified corrections and jail management system through a line agency: the Department of Corrections and Jail Management. By centralizing the oversight and management of prisons and jails and the rehabilitation of Persons Deprived of Liberty under a single department, the government can achieve greater efficiency and accountability.

The lack of a unified corrections system also hampers data sharing and communication between agencies. Consequently, important information about inmates, such as their criminal history, behavior, and rehabilitation progress, is not effectively circulated. This impedes efforts to implement rehabilitation programs, leaving many PDLs without the necessary support to reenter and reintegrate successfully into the society upon their release. It can even lead to instances where PDLs already qualified for parole are not thereby recommended for the same. Thus, the current measure forwards the establishment of a National PDL Monitoring System, which would serve the central digital network system, connecting the various courts of the Judiciary, the Department, and all other relevant government institutions, agencies, and other instrumentalities.

Finally, a centralized department would streamline resource allocation and budgeting, ensuring that each facility would have adequate funding to support essential services that would contribute to better living conditions and a higher standard of care for PDLs, fostering an environment that is more conducive to rehabilitation.

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



BRIAN RAYMUND S. YAMSUAN
Representative
Bicol Saro Party-list

⁴ Narag, R. E. (2020). Understanding the conditions of New Bilibid Prisons: Implications for Integrated Reforms.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8672

Introduced by **HON. BRIAN RAYMUND S. YAMSUAN**

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

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

CHAPTER I
TITLE AND DECLARATION OF POLICY

SECTION 1. *Short Title.* – This Act shall be known as the “*Unified Corrections and Jail Management System Act.*”

SECTION 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 fulfill 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 Department of Corrections and Jail Management as the 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.

CHAPTER II

DEFINITION OF TERMS

SECTION 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.

CHAPTER III

DEPARTMENT OF CORRECTIONS AND JAIL MANAGEMENT

SECTION 4. *Creation of the Department of Corrections and Jail Management.* – There is hereby instituted a unified corrections and jail management system in the country. The Department of Corrections and Jail Management, hereinafter referred to as “the Department”, is hereby established to carry out a system integrating the correctional and jail services currently provided by relevant government agencies, such as the Bureau of Jail Management and Penology (BJMP) under the Department of the Interior and Local Government, the Bureau of Corrections (BuCor) under the Department of Justice (DOJ), the correctional and jail services of provincial government, the Board of Pardons and Parole (BPP), and the Parole and Probation Administration (PPA).

SECTION 5. *Mandate.*– The Department shall absorb all the powers, functions and mandate of the BuCor, BJMP, the correctional and jail services of the provincial government, the BPP and the PPA. 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, the safekeeping and rehabilitation of prisoners, and general supervision of all probationers and prisoners released on parole pardon with parole conditions. Likewise, it shall exercise control and supervision over all its personnel.

The BuCor, BJMP, the correctional and jail services of provincial governments, and the PPA are hereby abolished. The Board of Pardons and Parole created under Act No. 4103, as amended, shall be placed under the Bureau of Parole and Probation Administration and reconstituted as provided under Section 17 of this Act.

The following facilities shall not, however, be part of the Department: 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.

SECTION 6. Powers and functions of the Department. – To carry out its mandate, the Department 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 recommend to the President of the Philippines the grant of any form of executive clemency to prisoners other than those entitled to parole;
- g) To exercise general supervision over all probationers and prisoners released on parole pardon with parole conditions;
- h) To hire, discipline and manage competent and efficient personnel; and
- i) Perform such other functions as may be necessary to achieve the objectives of this Act.

The Department 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); 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), the Board of Pardons and Parole under Republic Act No. 4103 (Indeterminate Sentence Law) as amended, and the Parole and Probation Administration under Presidential Decree No. 968 (Probation Law of 1976), as amended.

SECTION 7. Composition. – The Department shall consist of the Department Proper comprising the Office of the Secretary, the offices of the Undersecretaries and Assistant Secretaries, the Service Units, the Bureaus, and Regional Offices.

The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments in accordance with the Constitution. The Undersecretaries and Assistant Secretaries shall likewise be appointed by the President upon the recommendation of the Secretary.

SECTION 8. *The Secretary.* – The authority and responsibility for the exercise of the mandate, powers, and functions of the Department shall be vested in the Secretary of the Department, who shall exercise supervision and control over the Department.

For such purposes, the Secretary shall have the following powers and functions:

- a) Provide executive directions, supervision, and control over the entire operations of the Department and exercise supervision over its attached agency for program and policy coordination;
- b) Establish policies and standards for the effective, efficient, and economical operation of the Department, consistent with the programs of the government;
- c) Issue orders, directives, rules, regulations, and other issuances, upon due consultation with stakeholders, to carry out policies, plans, programs, or projects pursuant to the provisions of this Act, and exercise such other powers as may be required to implement and realize the objectives of this Act;
- d) Evaluate policies, plans, programs, projects, performance and accomplishments of the Department, and prepare an annual report that shall be submitted to the Congressional Oversight Committee provided under Section 31 of this Act and be made available to the public thru its website or any other means that will ensure broad dissemination of its contents;
- e) Advise the President on the promulgation of executive and administrative orders and on the formulation of necessary regulatory and legislative proposals on matters pertaining to the management of correctional and jail systems and rehabilitation and reintegration to society of PDLs;
- f) Upon approval of the President and subject to Section 9 hereof, create additional offices and positions, in coordination with the Department of Budget and Management (DBM) and the Civil Service Commission (CSC), as may be necessary to fulfill its mandate pursuant to the provisions of this Act;
- g) Render decisions, orders, and resolutions on appeal on cases decided by the Regional Director arising from recruitment violations or disciplinary actions; and
- h) Perform such other tasks as provided under existing laws.

SECTION 9. *The Undersecretaries and Assistant Secretaries.* – The Secretary shall be assisted by no more than three (3) Undersecretaries and by the Assistant Secretaries provided under this Act.

The following offices are hereby created, each to be headed by an Undersecretary and assisted by other officers and staff:

- a) Office of the Undersecretary for Internal Management and Administration, which shall have the following functions:
 - i) Provide the Department with efficient, effective, and economical services relating to records management, legal affairs, supplies, equipment, collections, disbursements, building administration and maintenance, security, and custodial work;
 - ii) Administer personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare;
 - iii) Supervise and control the operational activities of one (1) Assistant Secretary; and
 - iv) Perform such other functions as may be provided by law or assigned by the Secretary.
- b) Office of the Undersecretary for Corrections and Jail Management which shall head the Bureau of Corrections and Bureau of Jail Management and Penology pursuant to Section 10 (a) and 10 (b) of this Act.
- c) Office of the Undersecretary for Parole, Probation, and Rehabilitation, which shall head the Bureau of Parole and Probation Administration and the Bureau of Rehabilitation Services pursuant to Section 10 (c) of this Act.

The Secretary is further authorized to delineate and assign other functional areas or

responsibilities of the Undersecretaries and Assistant Secretaries.

SECTION 10. *Department Bureaus.* — The Department shall establish, operate, and maintain Bureaus under it such as, but not limited to:

- a) Bureau of Corrections, which shall take over the functions of the defunct Bureau of Corrections under the Department of Justice;
- b) Bureau of Jail Management and Penology, which shall take over the functions of the defunct Bureau of Jail Management and Penology under the DILG, *Provided*, that the Bureau of Jail Management and Penology under the new Department shall exercise supervision and control over all provincial, sub-provincial, city, and municipal jails, *Provided further*, that the rehabilitation services provided by the defunct Bureau of Jail Management and Penology And Bureau of Corrections shall be assumed by the Bureau of Rehabilitation Services, as provided under Section 10 (d) of this act.
- c) Bureau of Parole and Probation Administration, which shall assume the functions of the the defunct Parole and Probation Administration, *Provided*, that the rehabilitation services provided by the defunct Parole and Probation Administration shall be transferred to the Bureau of Rehabilitation Services provided under Section 10 (d) of this act; and
- d) Bureau of Rehabilitation services, which shall assume the rehabilitation and reintegration services and programs performed by the defunct Bureau of Corrections, Bureau of Jail Management and Penology, and the Parole and Probation Administration.

SECTION 11. *Qualifications.* – No person shall be appointed as Secretary, Undersecretary, or Assistant Secretary of the Department, unless one possesses the following minimum qualifications:

- a) A citizen of the Republic of the Philippines;
- b) A person of good moral character, mental or psychological fitness, and proven integrity and competence in public administration;
- 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.

SECTION 12. *Appointment of Personnel to the Department.* – All officials and employees shall be appointed by the Department, upon recommendation of the Department Secretary or Undersecretary in charge of the Division to which the official or employee shall be assigned.

SECTION 13. *Structure and Staffing Pattern.* – Within sixty (60) days from its constitution, in consultation with the Department of Budget and Management (DBM) and the Civil Service Commission (CSC), the Department 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 Department .

In preparing and approving the organizational structure, staffing pattern, and definition of responsibilities of its officials and employees, the Department 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.

SECTION 14. *Professionalization and Upgrading of Qualification Standards in the Appointment of Personnel to the Department.* – 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 Department shall establish the Corrections Training Institute,

which shall be patterned after the BuCor-DOJ's Corrections Training School/Institute, and BJMP-DILG's National Jail Management and Penology Training Institute.

The Department 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.

SECTION 15. *Performance Evaluation System.* – The Department 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.

SECTION 16. *Promotion System.* – In the matter of personnel movement and promotion, the Department shall comply with the provisions of Section 17 of Republic Act No. 10575, and Section 10 of Republic Act No. 9263.

CHAPTER IV THE BOARD OF PARDONS AND PAROLE

SECTION 17. *The Board of Pardons and Parole and its Composition.* — The Board of Pardons and Parole shall be placed under the Bureau of Parole and Probation Administration.

The Board shall be composed of the Secretary of the Department of Corrections and Jail Management as the Chairperson, the Director of the Bureau of Parole and Probation Administration as the Vice-chairperson, and six (6) members consisting of the Director of the Bureau of Corrections; a sociologist; a psychologist; a clergyman; an educator; and a member of the Philippine Bar: *Provided*, that at least one of them is a woman. *Provided further*, that, in the absence of the Chairperson, the Vice-chairperson shall preside. The members of the board shall be appointed by the President upon the recommendation of the Secretary and shall hold office for a term of six (6) years, without prejudice to re-appointment.

CHAPTER V NATIONAL PDL MONITORING SYSTEM

SECTION 18. *Creation of a National PDL Monitoring System.* — The Department shall hereby establish a national computerized monitoring network for PDLs in all jails and correctional facilities in the country.

SECTION 19. *Functions of the NPMS.* — The system shall have the following functions:

- a) It shall serve as a secure and encrypted digital network system which shall connect the various courts of the Judiciary, the Department, and all other relevant government institutions, agencies, and other instrumentalities;
- b) It shall serve as a database for all PDLs in the Philippine correctional and jail facilities and shall contain information about each PDL, including, but not limited to their name, personal data, biometrics, contact information, current location, medical history and health concerns, information regarding their detention and arrest, pending cases, case history/information, case dates and incidents, imposable penalties based on the crimes charged, warrants, and any other information useful in the administration of justice and protection of the PDL's welfare.
- c) It shall apprise networked institutions of the following information for prompt and appropriate action regarding the concerned PDL:
 - i) Eligibility for release based on Sec. 13 of Republic Act No. 8493 or the Speedy Trial Act of 1998 or a denial of the right to a speedy disposition of their case;
 - ii) Eligibility for release on recognizance based on Section 5 of Republic Act No. 10389 or the Recognizance Act of 2012;
 - iii) Eligibility for release based on Section 16, Rule 114 of the Rules on Criminal Procedure;
 - iv) Eligibility for parole or probation; and
 - v) Eligibility for remedy or release based on the Revised Penal Code or any other

law, rule, or procedure, which shall be determined by the Department, 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 serve such other functions assigned to it by the Department, *Provided* that they are consistent and not contrary to the provisions and objectives of this Act.

SECTION 20. *Lead Developer.* — The Department of Information and Communications technology shall be the lead agency responsible for the design, development, deployment, maintenance, and improvement of the NPMS.

SECTION 21. *Penalties.* — Any violation regarding the use of the NPMS shall be punished by applicable laws and/or Republic Act No. 10173 or the Data Privacy Act of 2012 when applicable.

CHAPTER VI OTHER PROVISIONS

SECTION 22. *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.

SECTION 23. *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 Department 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.

CHAPTER VII TRANSITORY PROVISIONS

SECTION 24. *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; of the defunct BJMP and the existing district and city or municipal jails; of the defunct Parole and Probation Administration; and of the Board of Pardons and Parole shall be transferred to the Department. 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.

SECTION 25. *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 Department 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 the Government Service Insurance System (GSIS) Retirement System under Presidential Decree No. 1146, as amended.

SECTION 26. *Retirement Benefits.* – Upon compulsory retirement, any uniformed officer of the Department 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.

SECTION 27. *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 Department. The Department 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 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 Department 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.

SECTION 28. *Regional Correctional Facilities.* – The national prisons and penal farms mentioned in Section 27 are hereby repurposed for use as regional correctional facilities, without prejudice to the establishment of such additional facilities to be recommended by the Department 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 Department.

SECTION 29. *Power of the Department to Classify Prisoners, and to Order their Transfer.*

– Upon the effectivity of this Act, the Department 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 Department may order the transfer of a prisoner or detainee to another facility considering such circumstances as the behavior of the prisoner or detainee, and such other relevant factors as the security and orderly administration of his/her

current place of detention.

SECTION 30. *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 Department Secretary of Corrections and Jail Management, 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 Department 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; of the provincial governments pertaining to provincial and sub-provincial jails; of the Parole and Probation Administration; and of the Board of Pardons and Parole. 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, Secretary of Interior and Local Government and the Secretary of Corrections and Jail Management.

SECTION 31. *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.

SECTION 32. *Implementation.* – The implementation of this Act shall be carried out in four (4) stages:

- a) STAGE I – Inventory and absorption by the Department 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 and new offices, 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 Department 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 offices/agencies into its equivalent rank/position in the Department, 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 absorbed employee shall suffer any diminution in basic longevity and incentive pays, allowances and retirement benefits due them before the creation of the Department,' to be completed within (2) years from the effectivity of this Act.

Upon the effectivity of this Act, the present BuCor under the Department of Justice, the BJMP under the Department of Interior and Local Government, and the PPA under the Department of Justice shall cease to exist. The incumbent Director-General of the defunct BuCor, BJMP, and PPA shall act as the Director for the Bureau of Corrections, Bureau of Jail Management and Penology, and Bureau of Parole and Probation Administration, respectively, pursuant to Section 10 of this Act until such time as he/she shall have been replaced by the President.

SECTION 33. *Appropriations.* – For purposes of organizing and constituting the Department, 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 Department. Thereafter, such amounts as may be necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

SECTION 34. *Implementing Rules and Regulations.* – Within six (6) months from the effectivity of this Act, the Department shall promulgate rules and regulations necessary to ensure the effective implementation of this Act.

SECTION 35. *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.

SECTION 36. *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.

SECTION 37. *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,