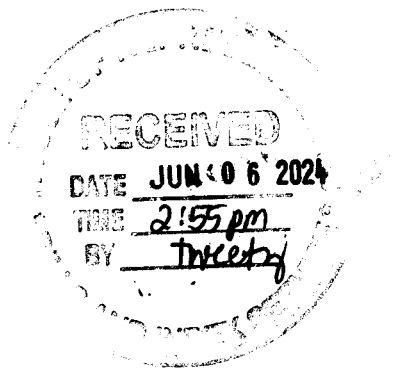
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10511

Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

This bill seeks to address the pressing need for a comprehensive legal framework governing the reporting and investigation of deaths and illnesses among individuals held in detention facilities. The proposed legislation mandates the timely reporting of all deaths and illnesses of Persons Deprived of Liberty (PDLs) and Children in Conflict with the Law (CICLs) to the Supreme Court, Executive Department, and the Commission on Human Rights (CHR).

In 2021, data released by the Bureau of Corrections (BuCor) revealed a harsh reality with 1,166 individuals out of the total 48,501 Persons Deprived of Liberty (PDLs) recorded to have died in correctional facilities. This marked the highest figure in over 32 years. By September 2022, an additional 700 inmates were reported to have passed away, adding to the growing number of deaths in these facilities. BuCor attributes the leading causes of death among PDLs to old age and sickness. However, critical scrutiny is imperative, especially given the noteworthy events of the mentioned year.

During the relentless onslaught of the COVID-19 pandemic in the year 2020, concerns arose due to the highly suspicious circumstances surrounding the sudden deaths of high-profile criminals with strong connections to the drug trade. Reports indicated that these inmates, with COVID-19 listed as their cause of death, passed away only days within of each other. This then led the public to question the veracity of the reported cause and the circumstances leading to their demise. In 2022, it was reported that the middleman allegedly involved in the death of veteran broadcaster Percy Lapid died while in custody at the New Bilibid Prison.

This current situation pervading in our correctional facilities must not be allowed to continue to persist. Our country would be at the risk of betraying our international commitments with the International Covenant on Civil and Political Rights (ICCPR), the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT) and its Optional Protocol (OPCAT) and other international laws that serve to protect the rights of PDLs. According to the CHR, we have the primary responsibility of ensuring that our PDLs are guaranteed a humane correctional environment through the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), UN Rules for the Treatment of Women Prisoners and Non-custodial Measures of Women Offenders (the

Bangkok Rules) and the UN Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules).

In light of these troubling trends, the Death in Custody Reporting Act stands as a crucial step towards addressing the existing gaps in the legal framework that CHR has strongly recommended us to address. It aims to establish a system that not only mandates reporting to relevant authorities but also ensures prompt, impartial investigations into suspicious deaths.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

JAIME R. FRESNEDI
Representative
Lone District, Muntinlupa City

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

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10511

Introduced by **Rep. Jaime R. Fresnedi**

AN ACT
MANDATING THE REPORTING OF DEATHS OF PERSONS DEPRIVED OF LIBERTY AND DETAINED CHILDREN IN CONFLICT WITH THE LAW, PENALIZING NON-REPORTING AND FALSE REPORTING OF DEATHS THEREOF, 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 "Death in Custody Reporting Act."

Sec. 2. *Declaration of Policy.* – It is declared policy of the State to ensure that the execution of sentences is properly and completely served, within the bounds of the law. Furthermore, it is in the interest of the State to investigate all suspicious deaths of persons in custody to ensure the proper dispensation of justice. For this purpose, sufficient mechanisms for proper monitoring of deaths in custody shall be in place.

Sec. 3. *Definition of Terms.* – As used in this Act:

a) Children in conflict with the law (CICL) refers to a detained child who is accused of, or adjudged as, having committed an offense under Philippine laws;

b) Persons Deprived of Liberty (PDL) refers to a person who has been arrested, held in lawful custody, or detained, or imprisoned awaiting or pending trial, or execution of a lawful sentence;

c) Jail refers to a place of confinement for inmates under investigation or undergoing trial, or serving short-term sentences. Jails include provincial, district, city and municipal jails managed and supervised by the Provincial Government and the Bureau of Jail Management and Penology (BJMP), respectively, which are both under the Department of Interior and Local Government (DILG);

d) Prison refers to the national prisons or penitentiaries managed and supervised by the Bureau of Corrections (BuCor), an agency under the Department of Justice.

e) Suspicious circumstances refer to situations which would lead a reasonable man, based on his skills, experiences or understanding of the circumstances, that there is a possibility that the death of a PDL or CICL is fictitious or caused by unlawful means.

f) Youth Detention Home refers to a 24-hour child-caring institution managed by accredited local government units (LGUs) and licensed and accredited non-government organizations (NGOs) providing short-term residential care for CICL who are awaiting court disposition of their cases or transfer to other agencies or jurisdictions.

g) Youth Rehabilitation Center refers to a 24-hour residential care facility managed by the Department of Social Welfare and Development (DSWD), LGUs, licensed or accredited NGOs monitored by the DSWD, which provides care, treatment and rehabilitation services for CICL. Rehabilitation services are provided under the guidance of a trained staff, where residents are cared for under a structured therapeutic environment, with the end view of reintegrating them into their families and communities as socially functioning individuals. Physical mobility of residents of said centers may be restricted pending court disposition of the charges against them.

Sec. 4. *Reporting of Death Information.* – The BuCor, the BJMP, wardens of the provincial jails and heads of youth detention homes and youth rehabilitation centers shall submit the following:

a) Report to the Executive – A monthly report to the DOJ, DILG and DSWD on the deaths of PDLs or CICLs: *Provided,* That in case the PDL or CICL has been charged or convicted of a heinous crime, *reclusion perpetua* or life imprisonment, the BuCor, BJMP, wardens of the provincial jails and heads of youth detention homes and youth rehabilitation centers shall notify the DOJ, DILG and DSWD immediately upon the death of the PDL or CICL, through both modern and traditional communication means and devices;

b) Report to the Supreme Court. – A report to the Supreme Court, through the Office of the Court Administrator, immediately upon the death of PDLs and CICLs charged or convicted of a heinous crime, *reclusion perpetua* or life imprisonment; and

c) Report to the Commission on Human Rights (CHR). – The reports required under paragraphs (a) and (b) of this Section shall likewise be submitted to the CHR.

Sec. 5. *Information Required.* – The reports required under Section 4 shall contain information that includes:

a) The name, gender, race, ethnicity and age of the deceased;

b) The date, time and location of death;

c) The law enforcement agency that detained, arrested or was in the process of arresting the deceased;

d) A brief description of the circumstances surrounding the death; and

e) Other details as may be required by the implementing rules and regulations.

Sec. 6. *Automatic Investigation.* – The DOJ, through the National Bureau of Investigation (NBI), shall conduct *motu propio* automatic investigation of PDLs and CICLs who died under suspicious circumstances. Suspicious deaths in custody must be investigated promptly by the DOJ, through the NBI, regardless of whether the relatives of the deceased requested it. The main purpose of the investigation is to clarify the circumstances surrounding the death of the PDLs and CICLs. The investigation must seek, at least, to:

a) Obtain and preserve physical and documentary evidence in connection with the death of the PDL and CICL;

b) Identify the deceased;

c) Identify possible witnesses and record their statements;

d) Determine the extent of involvement of all those implicated in the death;

e) Establish the cause, manner, place and time of death, as well as any pattern of practice that may have caused it;

f) Differentiate between natural death, accidental death, suicide and homicide. The scene of death should be regarded as potentially a crime scene, especially if the death was unexpected or under suspicious circumstances. The families of the PDL or CICL should be kept abreast of the progress and findings of the investigation. The body of the deceased shall be returned to the next of kin in a manner that is fully respectful of the dignity of the deceased, upon completion of all post-mortem examinations essential to the investigation.

Sec. 7. *Confirmatory Cause of Death and Autopsy.* – A thorough autopsy, by a representative of the Department of Health (DOH), in mandatory in cases where the deceased PDL or CICL has been charged or convicted of a heinous crime, reclusion perpetua or life imprisonment or one who died under suspicious circumstances. A complete death certificate shall be issued to the next of kin as soon as possible after the death.

Sec. 8. *Disposition of Cadaver in times of Public Health Emergency.* – The mandatory cremation of the cadaver of a PDL or CICL, when public health requires as determined by the DOH, shall be witnessed by the relatives of the deceased, not exceeding four (4), if any, a representative of the DOH and as may be applicable, a representative of the DOJ, DILG or DSWD: *Provided,* That in case the PDL or the CICL has been charged or convicted of a heinous crime, *reclucion perpetua* or life imprisonment, the cremation shall also be witnessed by members of the media, not exceeding ten (10).

Sec. 9. *Notification of Sick or Dead PDL.* – Whenever a PDL or a CICL is critically ill or dies, the prison medical officer shall report the matter to the Superintendent, who in turn shall notify the inmate's family immediately, by the fastest means of communication available. Failure to comply with the legal duty herein required shall render the Superintendent or such other officer in charge liable to civil charges.

Sec. 10. *Violations and Penalties.*

a) Non-reporting. – Any official, head or officer-in-charge of bureaus, penal institutions, detention and rehabilitation centers, who violates Section 4 of this Act or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted the omission shall, upon conviction by final judgment, suffer the penalty of imprisonment of not less than six (6) years but not more than twelve (12) years and a fine of not less than Five Hundred Thousand pesos (P500,000.00) but not more than One Million pesos (P1,000,000.00) at the discretion of the proper court.

b) False Reporting. – In addition to the penalties prescribed in Articles 223, 224 and 225 of the Revised Penal Code, as amended, any person who shall make or cause to be made a false or fictitious report of the death of a living PDL or a CICL, with the intent of letting the PDL or CICL escape, shall be guilty of false reporting and shall be punished by:

    1. Life imprisonment in case the PDL or CICL has been convicted of a heinous crime or is sentenced to life imprisonment or reclusion perpetua and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00).

    2. Imprisonment of not less than twelve (12) years but not more than fifteen (15) years in case the PDL or CICL has been convicted of any crime other than those stated in subsection (b)(1) and a fine of not less than One million pesos (P1,000,000.00) but not more than Three million pesos (P3,000,000.00).

    3. Imprisonment of not less than six (6) years but not more than twelve (12) years in case the PDL or CICL has not been convicted by final judgment and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Any person who participated in or facilitated the commission of the false reporting or who shall have knowingly permitted the commission thereof, shall be liable as principals and shall suffer the penalties imposed in subsection (b) hereof.

Sec. 11. *Appropriations.* – The amount necessary to effectively implement the provision of this Act shall be included in the annual General Appropriations Act. The priority will be the digitalization of all the PDL and CICL's record, including the corresponding training to operationalize the established system.

Sec. 12. *Implementing Rules and Regulations (IRR).* – Within one hundred twenty (120) days from effectiveness of this Act, the DOJ and DILG, in coordination with the BJMP and BuCor, shall jointly promulgate the rules and regulations necessary for the effective implementation of this Act.

Sec. 13. *Separability Clause.* – If any portion of this Act is declared unconstitutional or invalid, the portions or provisions which are not affected shall continue to be in full force and effect.

Sec. 14. *Repealing Clause.* – All laws, decrees and orders inconsistent with the provisions of this Act shall be considered amended or modified accordingly.

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

Approved,