

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

TWENTIETH CONGRESS
First Regular Session



House Bill No. 2188

Introduced by Representative Richard I. Gomez, DPA

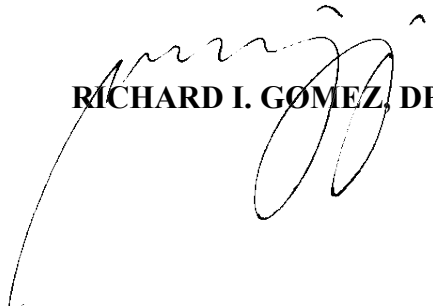
EXPLANATORY NOTE

This bill aims to consolidate the management, supervision, and control of all categories of jails under the Bureau of Jail Management and Penology (BJMP). At present, R.A. No. 6975, otherwise known as the Department of the Interior and Local Government Act of 1990, mandates only the city, municipal and district jails under the BJMP. On the other hand, provincial and sub-provincial jails are the responsibility of the respective provincial governments.

The intention of this bill is to unify the management, supervision and control of all jails, so that policies and administration could be standardized and integrated, resulting in consistent experiences across all categories.

One of the advantages in transferring the management, supervision, and control of provincial and sub-provincial jails to the BJMP is the administration of more effective rehabilitation programs. As such, the BJMP, has four (4) major thrusts: (a) livelihood projects, (b) education and vocational training, (c) recreation and sports, and (d) religious and spiritual activities. However, these programs, may or may not be available in province-run jails, as there is no policy mandating such, with our current legal set up.

Rectifying this disparity is being made in the hope that with better correctional programs, offenders and criminals have a better chance at re-integration into society, after serving their sentences. In light of this, the swift approval of this measure is earnestly sought.


RICHARD I. GOMEZ, DPA

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AN ACT
TRANSFERRING TO THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY,
THE MANAGEMENT, SUPERVISION, AND CONTROL OF PROVINCIAL AND SUB-
PROVINCIAL JAILS, 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

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

SECTION 1. Section 61 of Republic Act No. 6975, otherwise known as the “Department of the Interior and Local Government Act of 1990, is hereby amended as follows:

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

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

“Section 62. *Organization.* -- The Jail Bureau shall be headed by a Chief who shall be assisted by a deputy chief.

The Jail Bureau shall be composed of **PROVINCIAL, SUB-PROVINCIAL**, city and municipal jails each headed by a **PROVINCIAL**, city or municipal jail warden: *Provided*, That, in the case of large **PROVINCES**, cities and municipalities, a district jail with subordinate jails headed by a district jail warden may be established as necessary.

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

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

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

SEC. 4. Provincial Jail Administrator, Sub-Provincial Jail Administrator. - The head of the provincial and sub-provincial jails within the province will have the rank of Superintendent and shall be appointed by the Chief of the Jail Bureau, the appointment of which must be attested by the Civil Service Commission, *Provided, That*, if the jail population is 1,000 or more inmates the warden should be a graduate of Bachelor of Laws or a holder of a Master's Degree in management, public administration, public safety, criminology, penology, sociology, and national security administration, defense studies, and or related disciplines from a recognized institution of learning and must satisfactorily pass the necessary training and career courses for such position, as may be established by law.

SEC. 5. Management, Supervision and Control of Provincial and Sub-Provincial Jails.

-- The management, supervision and control of provincial and sub-provincial jails, including all its properties, equipment and finances, are hereby transferred to the Bureau of Jail Management and Penology (BJMP).

Provided, however that a three (3)-year transition period is hereby established to commence on the date of effectivity of this Act. During the transition period the Provincial Government shall subsidize the subsistence allowance of inmates and the maintenance of the jail facility including but not limited to electric and water expenses and necessary repairs.

The transfer, and/or absorption of the functions, appropriations, funds, records equipment, facilities, rights, and other assets of the Provincial and Sub-Provincial jails to the BJMP shall be without prejudice to the provisions of Republic Act No. 7160, otherwise known as the Local Government Code, as amended, that are not otherwise inconsistent with this Act.

All personnel of provincial and sub-provincial jails unless removed for cause, may be absorbed by the BJMP, provided, that such guidelines must be consistent with the provisions of Republic Act No. 9263, otherwise known as the Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004, as amended and its Implementing Rules and Regulations.

The Chief of the BJMP shall, within six (6) months from the effectivity of this Act, recommend the organizational structure and staffing pattern of the assumed provincial and sub-provincial jails.

SEC. 6. *Special Oversight Committee.* - A Special Oversight Committee is hereby created composed of the Secretary of the Interior and Local Government as chairman, the Secretary of Budget and Management as co-chairman, and the Chief of the Bureau of Jail Management and Penology, the Chairman of the Commission on Audit, the President of the League of Provinces as members, which shall plan and oversee the expeditious implementation of the transfer and absorption into the Bureau of all existing provincial jail facilities, equipment, records, rights, liabilities, appropriations, installations, and other assets of the provincial and sub-provincial jails subject to just compensation under appropriate terms and conditions.

SEC. 7. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act the oversight committee shall promulgate the rules and regulations necessary to ensure the effective implementation of this Act.

SEC. 8. *Separability Clause.* — In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

SEC. 9. *Repealing Clause.* — All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be. ep

SEC. 10. *Effectivity.* — This Act shall take effect fifteen (25) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,