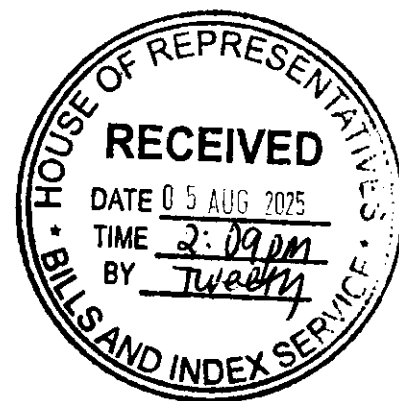


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3091



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

AN ACT
TRANSFERRING THE SUPERVISION AND CONTROL OVER THE PROVINCIAL, SUB-PROVINCIAL AND DISTRICT JAILS FROM THE PROVINCIAL GOVERNMENT TO THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6975, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990"

EXPLANATORY NOTE

As one of the five pillars of the Criminal Justice System, the Bureau of Jail Management and Penology (BJMP) was created to direct, supervise, and control the administration and operation of all district, city, and municipal jails nationwide with pronged tasks of safekeeping and development of Persons Deprived of Liberty (PDL), as provided for under R.A. No. 6975, with the exception of Provincial and Sub-Provincial Jails whose management and control is lodged under their respective Provincial Governments. Primarily, its clients are PDLs accused before a court who are temporarily confined in such jails while undergoing investigation, waiting final judgement and those who are serving sentence promulgated by the court three (3) years and below.¹

At present, the initiative for transfer or turn-over emanates from the Local Government Unit concerned, pursuant to Section 25 (c) of R.A 7160 or the Local Government Code of 1991 which states that, "The President may, upon the request of the Local Government Unit concerned, direct the appropriate national agency to provide financial, technical or other forms of assistance to local government units," and operationalized through a memorandum of agreement between the Provincial Government and the BJMP.

As of November 2019², out of 74 provincial jails nationwide, thirteen (13) Provincial Jails have already been turned over to the BJMP in recognition of the BJMP's competence in the management of jails. The initiative is for the purpose of standardizing and providing smooth transition in the management and operation of the jails being turned over to the BJMP, which provides among others, the conditions of donation of property to BJMP, appropriation of the provincial government for its maintenance and control, and detail of provincial government employees to the BJMP for full operational control of the jail facilities.

¹ <https://www.bjmp.gov.ph/index.php/about-us/bjmp-profile>

² <https://dilg.gov.ph/news/DILG-Placing-all-provincial-jails-under-BJMP-is-needed-and-timely/NC-2019-1288>

Thus, in line with the government's present thrust to unify the country's fragmented jail system and in recognition of BJMP's capability in the management and operation of jails in the country, this bill seeks to amend R.A 6975 by transferring the supervision and control of Provincial and Sub-Provincial Jails to the BJMP previously under the administration and control of their respective provincial governments, in order to streamline the management of existing jails, to professionalize its management and prompt a more standard implementation of policies. The transfer to BJMP will facilitate better management of provincial jails under competent and highly trained personnel of BJMP thereby "maximizing the Bureau's resources for efficient delivery of basic services for our persons deprived of liberty (PDLs)

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



Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

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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 "Jail Integration Act."

SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote the general welfare and safeguard the basic rights of persons deprived of liberty. Further, the State recognizes the responsibility of the State to strengthen government capability aimed towards the strengthening of the delivery of basic services to the citizenry through the institutionalization of highly efficient and competent jail services.

Toward this end, the State shall provide uniform standards and policies in the administration of jails and the safekeeping of persons deprived of liberty by placing the administration of local jails to a single authority.

SEC. 3. *Transfer of Provincial and Sub-Provincial Jail.* – The control and supervision over provincial and sub-provincial jail is hereby transferred to the Bureau of Jail Management and Penology (BJMP).

For this purpose, the management, control, and supervision of existing provincial and sub-provincial jails, including all its property, equipment, and finances, shall be transferred to the BJMP, subject to existing laws.

SEC. 4. *Transition Period.* – For orderly transfer of management and operation of provincial and sub-provincial jails, a three (3) year transition period is hereby established, to commence from the date of the effectivity of this Act: Provided, That during the transition period, the concerned Provincial Government shall continue funding the subsistence allowance of inmates and the maintenance of jail facility including but not limited to electric and water expenses and necessary repairs until such time that the total and full control and supervision of the facility has been transferred to the BJMP.

SEC. 5. *Provincial and Sub-Provincial Jail Employees.* – The existing employees

and personnel of Provincial and Sub-Provincial Jails shall enjoy security of tenure and shall automatically be absorbed by the BJMP subject to the qualification standards as provided for in Republic Act No. 9263, otherwise known as the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 17 2004", as amended and other applicable laws, pertinent rules and regulation of the Civil Service Commission (CSC): Provided, That those who will fail to comply with the qualification standards at the time of transfer shall be given five (5) years from the lapse of the transition period as provided in this Act to complete the necessary requirements for the concerned position: Provided, further. That for purposes of computation of retirement and pension benefits, the term "active service" shall include services rendered by employees affected in the provincial and sub-provincial jail prior to the enactment of this Act: Provided, finally. That the Provincial Government is hereby encouraged to automatically absorb those employees who have already reached the mandatory retirement age in BJMP at the time of effectivity. Employees opting to be separated from the service as a result of the transfer under the provisions of this Act shall receive separation benefits in accordance with existing laws. In addition, those who are qualified to retire shall be allowed to do so and be entitled to all benefits provided for under existing retirement laws.

SEC. 6. *Appropriations.* – The initial amount necessary for the implementation of this Act shall be charged against the current fiscal year's appropriations of the BJMP and concerned provincial government. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Sec. 7. *Implementing Rules and Regulations.* – The Department of the Interior and Local Government and BJMP, in coordination with the Provincial Governments, CSC, and other stakeholders, shall within sixty (60) days from the effectivity of this Act, promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 8. *Separability Clause.* - If any provision or part of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 9. *Repealing Clause.* – Sections 61, 62 and 63 of Republic Act No. 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990", as amended, are hereby amended or modified accordingly.

SEC. 10. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,