

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5025



Introduced by Representative Jan Rurik D. Padiernos, GP (Galing sa Pusong) Party-List

EXPLANATORY NOTE

The Constitution affirms that the State values the dignity of every human person and guarantees full respect for human rights. While persons deprived of liberty (PDLs) have been lawfully restricted of their freedom, they do not shed their humanity nor their entitlement to basic rights.

The Philippines continues to face a crisis in its detention and correctional system. As of June 30, 2025, the Bureau of Corrections (BuCor) reported a total population of 53,813 Persons Deprived of Liberty (PDLs). Its facilities remain severely over capacity, with a congestion rate of 342% and an occupancy rate of 242%. Despite ongoing releases, almost 800 PDLs freed in February 2025, the system remains critically overcrowded.

The government has begun transferring PDLs from the New Bilibid Prison to regional penal farms and prisons as part of its decongestion program. This is a step in the right direction and helps reduce the extreme pressure on national prisons. However, decongestion alone is not enough. PDLs continue to face unmet needs in food, potable water, sanitation, healthcare, education, and livelihood. Rehabilitation and reintegration programs remain weak or absent.

Women PDLs face distinct challenges. At CIW Mandaluyong, official data as of August 31, 2025 show that more than 53% are convicted for drug-related cases, with over one-third serving sentences for drug-related heinous crimes. Yet there are no comprehensive rehabilitation or reintegration programs tailored to their circumstances. Education levels remain low, with 57% of women PDLs having reached only high school, and fewer than 2% completing college. Nearly half are mothers or primary caregivers, and 18% are senior citizens. These realities show that women's specific health, caregiving, and rehabilitation needs remain largely unmet.

The Philippines, as a State Party to the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol to the Convention Against Torture (OPCAT), is obliged to safeguard the basic rights of PDLs, ensure humane conditions of detention, and establish mechanisms of accountability. The United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) and the Bangkok Rules on Women Prisoners highlight the need for adequate food, water, health care, education, family contact, gender-responsive measures, and reintegration. These international standards serve as guidance, but the measures in this bill are framed within our domestic constitutional and statutory framework.

At present, existing laws are fragmented. The Bureau of Corrections Act (RA 10575) outlines BuCor's powers, while the Local Government Code and RA 6975 govern provincial and city jails. The Recognizance Act (RA 10389) provides limited relief for indigent detainees, and the Juvenile Justice Act (RA 9344) protects children in conflict with the law. Yet there is no single comprehensive charter of rights for PDLs.


This bill seeks to fill that gap by enacting a Magna Carta of Persons Deprived of Liberty, establishing enforceable rights and obligations covering:

1. Minimum standards for food, health, and sanitation, with special provisions for vulnerable groups;
2. Education, skills training, livelihood, and rehabilitation programs to prepare PDLs for reintegration;
3. Family contact and digital visitation to preserve human ties;
4. Special protection for women PDLs, particularly pregnant women, mothers, and primary caregivers, including safeguards against restraint, segregation, and denial of maternal and infant care;
5. Drug dependence treatment and recovery, recognizing the disproportionate impact of drug-related charges on women in CIW and the need for evidence-based, gender-responsive rehabilitation;
6. Reintegration support in coordination with DOLE, DSWD, TESDA, and LGUs to ensure employment, housing, health, and family reintegration after release; and
7. Enforcement and remedies, through grievance mechanisms, CHR monitoring as National Preventive Mechanism, and administrative, civil, and criminal liability for violations.

By harmonizing these rights with existing mandates of BuCor, BJMP, DOH, DSWD, and other agencies, the bill ensures that PDLs are treated with dignity and prepared for reintegration into society without compromising public safety or victims' rights.

The measure is not about leniency, but about justice with humanity. It affirms that prisons must not be warehouses of despair, but places of reformation. It recognizes that when PDLs are rehabilitated and reintegrated, communities become safer, families stronger, and society more just.

In view of these urgent needs, the passage of this bill is earnestly sought.


ATTY. JAN RURIK D. PADIERNOS
GP (Galing sa Puso) Party-List

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Introduced by Representative Jan Rurik D. Padiernos, GP (Galing sa Pusong) Party-List

AN ACT ESTABLISHING A MAGNA CARTA OF PERSONS DEPRIVED OF LIBERTY, UPHOLDING THEIR RIGHTS AND WELFARE, ADOPTING INTERNATIONAL STANDARDS, STRENGTHENING REHABILITATION AND REINTEGRATION, WHILE SAFEGUARDING THE RIGHTS OF VICTIMS, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This Act shall be known as the "*Magna Carta of Persons Deprived of Liberty.*"

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to safeguard the basic rights of every Person Deprived of Liberty (PDL). Detention and imprisonment shall not strip a person of dignity, nor deny access to basic needs, health care, education, livelihood, and family contact.

The State shall ensure that conditions of detention are humane and that opportunities for rehabilitation and reintegration are accessible to all PDLs. Special protection shall be extended to women, mothers, children, the elderly, persons with disabilities, and other vulnerable groups deprived of liberty.

The State likewise affirms that the protection of PDLs' rights goes hand in hand with the protection of the rights of victims and the promotion of justice, peace, and public safety.

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

- a) ***Persons Deprived of Liberty (PDLs)*** refer to individuals detained in jails, prisons, detention centers, or other custodial facilities by virtue of lawful arrest, warrant, or order of a court, whether awaiting investigation, undergoing trial, or serving sentence, under the authority of the Bureau of Jail Management and Penology (BJMP), the Bureau of Corrections (BuCor), the Philippine National Police (PNP), or other lawful custodial authorities.
- b) ***Women PDLs*** refer to female persons deprived of liberty, including those who are pregnant, postpartum, mothers, or primary caregivers of children.

- c) **Primary Caregiver** refers to a PDL who has assumed responsibility for the care and support of a child or dependent, whether biological or otherwise.
- d) **Pregnant and Postpartum Women** refer to women PDLs who are pregnant, or who have given birth within a reasonable postpartum period as determined by the Department of Health.
- e) **Minor Non-Violent Offenses** refer to violations of penal laws punishable by arresto menor, arresto mayor, or prison correccional, which do not involve violence against persons, intimidation, or abuse against women or children, including but not limited to minor theft, estafa below ₱40,000.00, malicious mischief below ₱40,000.00, alarms and scandals, and other comparable minor offenses.
- f) **Clean Slate Program** refers to the process of expunging or sealing criminal records of eligible persons convicted of petty non-violent offenses after full service of sentence, to remove barriers to employment, education, housing, and civic participation.
- g) **Non-Custodial Measures** refer to alternatives to imprisonment such as probation, parole, suspension of sentence, community service, diversion, restorative justice, and other forms of supervised release.
- h) **Digital Visitation** refers to the use of secure video conferencing or digital communication provided by BuCor and BJMP to enable PDLs to maintain regular family contact.
- i) **Rehabilitation Programs** refer to education, vocational, livelihood, health, psychosocial, and re-entry programs accredited by TESDA, DepEd, DOH, or other competent authorities.
- j) **Minimum Standards** refer to statutory requirements for food, potable water, sanitation, and healthcare as set by BuCor, BJMP, and DOH.
- k) **Vulnerable PDLs** refer to PDLs who, by reason of age, disability, mental health condition, gender, gender identity, sexual orientation, pregnancy, postpartum status, or chronic illness, require special protection.
- l) **PDLs with Mental Health Conditions** refer to persons deprived of liberty who have been clinically diagnosed with psychiatric or psychological disorders, or who have been declared mentally unfit to stand trial, and who therefore require specialized treatment, psychosocial support, and, when appropriate, referral to accredited mental health facilities in accordance with RA 11036 or by order of the court.
- m) **Reintegration Support** refers to programs and services provided by DOLE, DSWD, LGUs, and other agencies to assist released PDLs in employment, livelihood, housing, education, and psychosocial recovery.
- n) **Judicial Review of Pre-Trial Detention** refer to mandatory periodic review by courts of the detention status of PDLs awaiting trial, including entitlement to release on recognizance, bail, or non-custodial measures.

SEC. 4. *Family Contact and Visitation.* - Every PDL shall be entitled to at least two (2) in-person visits per week of not less than one (1) hour each, and at least two (2) Digital Visitation calls per month free of charge.

SEC. 5. *Education, Skills Training, and Livelihood.* - All PDLs shall be provided access to basic education, TESDA-accredited skills training, and Rehabilitation Programs. Each facility shall maintain at least one TESDA-accredited program per 200 PDLs.

SEC. 6. *Clean Slate Program.* - A Clean Slate Program is hereby established for persons convicted of Minor Non-Violent Offenses who have fully served their sentence. Expungement shall be effected within sixty (60) days from release, upon favorable recommendation of the Board of Pardons and Parole.

SEC. 7. *Proportionate Sentencing and Alternatives to Imprisonment.* - For Minor Non-Violent Offenses and other non-violent crimes punishable by less than six (6) years, courts shall give preference to Non-Custodial Measures, including probation, parole, community service, or restorative justice.

SEC. 8. *Transparency and Accountability.* - The Bureau of Corrections (BuCor) and the Bureau of Jail Management and Penology (BJMP) shall establish and maintain a public data system, updated quarterly, containing information on:

- a) the number and profile of Persons Deprived of Liberty under their custody;
- b) congestion and occupancy rates of all detention and correctional facilities;
- c) availability and utilization of health, education, livelihood, and rehabilitation programs; and
- d) releases, transfers, and reintegration support provided.

The Commission on Human Rights shall have access to such data for purposes of independent monitoring, and Congress shall be furnished with an annual consolidated report.

SEC. 9. *Minimum Standards on Food, Health, and Sanitation.* - The Bureau of Corrections (BuCor) and the Bureau of Jail Management and Penology (BJMP), in coordination with the Department of Health (DOH), shall ensure that all Persons Deprived of Liberty are provided with:

a) Food and Water – Nutritious and sufficient meals, prepared and served under sanitary conditions, at least three times daily, with clean and potable drinking water available at all times;

b) Health Care – The right to the highest attainable standard of physical and mental health, including preventive, curative, and emergency medical, dental, psychiatric, and psychosocial services equivalent to those available to the general population, free of charge. Regular medical examinations shall be conducted, and urgent cases shall be immediately referred to appropriate hospitals. Medicines and mental health services shall be made accessible at all times;

c) Sanitation and Hygiene – Adequate sanitary facilities, toilets, and bathing/showering areas proportionate to the number of PDLs, maintained in good condition to ensure privacy, cleanliness, and health;

d) Special Needs – Appropriate nutrition, sanitary products, medical care, and gender-sensitive health services shall be provided to women PDLs, mothers, elderly PDLs, persons with disabilities, those with chronic illnesses, and other vulnerable groups, with due regard to their particular conditions.

BuCor and BJMP shall include in their annual budget proposals specific appropriations to meet these standards, subject to audit by the Commission on Audit and monitoring by the Commission on Human Rights.

SEC. 10. *Protection of Vulnerable PDLs.* - Special measures shall be adopted for Persons Deprived of Liberty who are elderly, persons with disabilities, those with serious or chronic illnesses, and members of the LGBTQ+ community. These measures shall include, but not be limited to:

a) Elderly PDLs – provision of age-appropriate nutrition, mobility aids, regular medical check-ups, and separation from younger or high-risk populations;

b) Persons with Disabilities – accessible facilities, reasonable accommodations, and provision of assistive devices and services necessary for daily living;

c) Persons with Serious or Chronic Illnesses – prompt access to specialized medical care, referral to appropriate hospitals, and palliative care when required;

d) LGBTQ+ PDLs – protection from harassment, abuse, or discrimination, and housing or placement consistent with their safety and dignity.

e) Persons with Substance Dependence – shall be provided access to evidence-based, gender-sensitive, and voluntary treatment and rehabilitation programs, including counseling, therapy, and aftercare support, in coordination with the Department of Health and accredited rehabilitation centers.

f) Persons with Mental Health Conditions – shall be provided access to continuous mental health care, psychiatric treatment, and psychosocial support in accordance with RA 11036 (Mental Health Act). They shall not be left indefinitely detained pending trial, and courts, in coordination with DOJ and DOH, shall provide appropriate disposition, including transfer to suitable mental health facilities.

BuCor and BJMP shall adopt implementing guidelines to operationalize these measures and ensure they are fully funded under their annual appropriations.

SEC. 11. *Special Protection for Women PDLs.* - Special measures shall be adopted to address the distinct needs of Women Persons Deprived of Liberty (PDLs). These shall include, but not be limited to:

a) Pregnant, Postpartum, and Primary Caregiver PDLs – shall, whenever practicable, be granted community-based custody or Non-Custodial Measures. For purposes of this provision, a Primary Caregiver shall refer to a PDL responsible for the care of a child below seven (7) years of age or a dependent with a disability or serious health condition. They shall also be prioritized for diversion, probation, or parole where allowed by law;

b) Right Against Restraint – It shall be the right of a pregnant woman deprived of liberty not to be restrained, in any manner, during medical examinations, transport to hospital to give birth, during labor, and immediately after birth;

c) Health Services – shall be provided access to maternal, reproductive, and mental health services, as well as adequate nutrition and hygiene;

d) Sanitary Needs – shall be provided sanitary and hygiene products regularly, at no cost;

e) Infant Care – nursery units and maternal care facilities shall be established in women’s facilities within three (3) years from the effectivity of this Act;

f) Protection from Abuse – shall be protected from all forms of sexual abuse, harassment, and gender-based violence;

g) Breastfeeding and Infant Bonding – shall be provided facilities and support for breastfeeding, including adequate time, space, and storage of expressed milk, consistent with the health and best interests of the child;

h) Right Against Punishment by Close Confinement or Disciplinary Segregation – It shall be the right of a woman deprived of liberty who is pregnant, has an infant child, or is a breastfeeding mother not to be punished by close confinement or disciplinary segregation;

i) Right to Stay with Infant Children in Infirmaries – It shall be the right of a woman deprived of liberty to stay with her infant child in infirmaries located inside correctional facilities until the child reaches one (1) year of age. The mother shall undergo postpartum care to ensure health and wellness. After the child reaches one (1) year of age, the child may continue to stay with the mother if recommended as advantageous by the facility medical officer and a social worker. Otherwise, the child shall be placed under the care of relatives or, if none, in an orphanage. The Social Welfare Officer shall ensure continuous communication and regular visitation between the child and the mother;

j) Child Contact Beyond Nursery Age – mothers deprived of liberty shall be guaranteed regular visitation and communication rights with their children beyond nursery age, consistent with the best interests of the child and subject to reasonable security regulations.

k) Drug Dependence and Recovery – Women PDLs charged with or convicted of drug-related offenses shall be provided access to gender-responsive substance abuse treatment and rehabilitation programs, designed to address the underlying causes of drug use, prevent relapse, and support reintegration into society.

SEC. 12. Reintegration Support and Linkages. - All Persons Deprived of Liberty shall be prepared for reintegration into society upon release. Reintegration programs shall begin prior to release and continue thereafter, with support from government agencies, local government units, and accredited civil society organizations.

The following minimum standards shall be observed:

a) Pre-Release Preparation – PDLs shall be provided counseling, livelihood training, and assistance in securing legal documents such as birth certificates, clearances, and identification cards;

b) Employment and Livelihood – DOLE, TESDA, and LGUs shall provide job referral, livelihood grants, and skills training to released PDLs to facilitate access to decent work;

c) Housing and Shelter – DSWD and LGUs shall ensure access to temporary shelters, halfway houses, or community-based support facilities for indigent or homeless PDLs upon release;

d) Health and Psychosocial Support – DOH and LGUs shall provide mental health, substance abuse recovery, and psychosocial support programs to prevent recidivism, including community-based drug treatment and aftercare;

e) Family and Community Reintegration – programs shall promote the restoration of family ties, community acceptance, and restorative justice, consistent with the best interests of children and families;

f) Monitoring and Linkages – BuCor, BJMP, DSWD, and LGUs shall establish referral mechanisms with accredited NGOs, cooperatives, and community groups to ensure continuous monitoring and support for released PDLs.

Budgetary allocations shall be provided annually to sustain reintegration programs, subject to audit by the Commission on Audit.

SEC. 13. *Enforcement and Remedies.* - The rights and benefits guaranteed under this Act shall be immediately demandable and enforceable.

Every jail, prison, and detention facility shall establish a grievance mechanism accessible to Persons Deprived of Liberty (PDLs) and their families. Complaints of violations may be filed before the Bureau of Jail Management and Penology (BJMP), the Bureau of Corrections (BuCor), the Department of Justice (DOJ), the Commission on Human Rights (CHR), or directly before the proper courts.

The Commission on Human Rights shall act as the independent monitoring body and National Preventive Mechanism, with unimpeded access to all places of detention, records, and PDLs for purposes of investigation and reporting.

Any public official, employee, or person who willfully violates, refuses, or obstructs the enjoyment of rights guaranteed under this Act shall be held administratively, civilly, or criminally liable under existing laws, without prejudice to the imposition of heavier penalties provided under the Revised Penal Code, special penal laws, or other applicable statutes.

SEC. 14. *Appropriations.* - The amount necessary for the implementation of this Act, insofar as it refers to municipal, city, and district jails and to correctional facilities, shall be charged to the current appropriations of the Bureau of Jail Management and Penology (BJMP) and the Bureau of Corrections (BuCor), respectively. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Provincial governments shall be responsible for appropriating the necessary funds for the implementation of this Act with regard to provincial jails.

SEC. 15. *Implementing Rules and Regulations.* - Within ninety (90) days after the approval of this Act, the Secretary of Justice and the Secretary of the Interior and Local Government, in consultation with the Commission on Human Rights, BuCor, BJMP, DOH, DSWD, DOLE, TESDA, and other relevant stakeholders, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 16. *Repealing Clause.* - All laws, executive orders, and other issuances inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 17. *Separability Clause.* If, for any reason, any part of this Act is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

SEC. 18. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,