

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 7039

EXPLANATORY NOTE

Under Section 61 of Republic Act 6975, the Bureau of Jail Management and Penology (BJMP) shall exercise supervision and control over all city and municipal jails while the provincial jails shall be supervised and controlled by the provincial government within its jurisdiction.

This set-up can cause confusion and makes it difficult to have an integrated approach to jail management. The BJMP will have to coordinate with each and every province in the country which may still result in different approaches for each provincial jail.

Further, by transferring control and supervision of all jails in the country to the BJMP, there will only be 1 penal system and there will be a lesser chance that officials heading each jail will be subject to controls of political influence. There will also be uniformity in the training of jail personnel; livelihood projects; and educational and vocational trainings. This will also result in a more secure penal system which is professional and has uniformity in the implementation of plans and programs

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

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AN ACT

PLACING THE PROVINCIAL, SUB-PROVINCIAL AND DISTRICT JAILS UNDER THE JURISDICTION OF THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP), AMENDING SECTIONS 61, 62 AND 63 OF REPUBLIC ACT NUMBER SIXTY-NINE HUNDRED AND SEVENTY-FIVE OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990" AND FOR OTHER PURPOSES

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 is hereby amended to read 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.] **JAILS DO NOT INCLUDE DETENTION CENTERS AND LOCK-UP CELLS BEING MAINTAINED BY THE ARMED FORCES OF THE PHILIPPINES (AFP), PHILIPPINE NATIONAL POLICE (PNP), NATIONAL BUREAU OF INVESTIGATION (NBI) AND THE BUREAU OF IMMIGRATION (BI).**

SECTION 2. Section 62 of the same Act 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.] **OTHER OFFICERS ENUMERATED IN SECTION 3 OF REPUBLIC ACT 9263 OTHERWISE KNOWN AS THE "BUREAU OF FIRE PROTECTION AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY PROFESSIONALIZATION ACT OF 2004".**

The Jail Bureau shall composed of **PROVINCIAL, SUB-PROVINCIAL, DISTRICT**, city and municipal jails, [each headed by a city or municipal jail warden]: Provided, That, in the case of large 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 recommended to the Secretary the organizational structure and staffing pattern of the Bureau as well as the 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.

SECTION 3. Section 63 of the same Act 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 the transfer to a medical institution.

The **PROVINCIAL, SUB-PROVINCIAL, DISTRICT**, municipal or city jail service shall preferably be headed by a graduate of a four (4) year course in psychology, psychiatry, sociology, nursing, social work, [or] criminology **OR A LAW GRADUATE** who shall assist in the immediate rehabilitation of individuals or detention of prisoners. Great care must be exercised so that the human rights of [this] **THESE** prisoners are respected and protected, and their spiritual and physical well-being are properly and promptly attended to.

SECTION 4. Provincial Jail Administrator, Sub-Provincial Jail Administrator. – The heads of the provincial and sub-provincial jails within the province shall have the rank of superintendent. The provincial jail administrator shall exercise supervisory control over the provincial, district, city and municipality jail in their respective provinces.

SECTION 5. Authority of the Chief, Bureau of Jail Management and Penology to Reorganize Provincial Jails. — The Chief, Bureau of Jail Management and Penology has the authority to reorganize existing provincial jails, including its offices and personnel; *Provided*, That in the exercise of this power, the services of the personnel assigned therein and holding a permanent appointment shall not be terminated.

SECTION 6. Special Oversight Committee. — A Special Oversight Committee is hereby created, composed of the Secretary of the Department of the Interior and Local Government as Chairman, the Secretary of the Department 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 and the President of League of Provinces as members, which shall plan and oversee the expeditious implementation of the transfer and absorption into the Bureau of the property, appropriations and installations of the provincial and sub-provincial jails, subject to just compensation under appropriate terms and conditions.

SECTION 7. Appropriations. — The existing appropriation for the operation and maintenance of provincial jails shall, for the first of fraction therefore after enactment into law of this Act, continue to be so appropriated for the purpose. Thereafter the amount of two hundred fifty million (Php 250,000,000.00) for the operation and maintenance of the provincial and sub-provincial jails by the BJMP shall be included in the annual General Appropriations Act.

SECTION 8. *Separability Clause.* – If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force effect.

SECTION 9. *Repealing Clause.* – All laws, presidential decrees, executive orders, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 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,