



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Eighteenth Congress
First Regular Session

HOUSE BILL NO. **4713**



Introduced by Representative Jorge Antonio P. Bustos

EXPLANATORY NOTE

This bill seeks to mandate the Bureau of Jail Management and Penology (BJMP) to exercise supervision and control over provincial jails.

For the past three Congresses, bills have been filed to transfer the supervision and control of provincial jails to BJMP. The filing of these bills during the Fifteenth, Sixteenth and Seventeenth Congresses shows that the proponents have seen the necessity and importance of such transfer.

The proponents have the same vision of establishing a national standard in the operational management of all jails in the Philippines. By establishing a national standard, there will be uniformity and greater efficiency in the implementation of the plans and programs geared towards the effective rehabilitation of inmates.

At present, the sound policies and programs of the BJMP are not being implemented in the provincial jails simply because provincial jails are under the supervision and control of the provincial governments and not of the BJMP. It may be true that provincial governments may simply follow the policies and programs of the BJMP. However, it is also true that the policies and programs are better implemented by professionals. With the passage of Republic Act No. 9263, otherwise known as the "*Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004*," there is no question as to the professionalism of jail personnel.

Public safety and institutional correction through jail supervision and management are best addressed by BJMP for the following reasons, among others:

1. The BJMP is the only government agency mandated to direct, supervise and control the administration and operation of local jails;
2. The BJMP specializes in the safekeeping, reformation and rehabilitation of inmates; and
3. The BJMP personnel are professionals equipped with proper education and training in the administration and operation of local jails.

The transfer of supervision and control of provincial jails to BJMP will ensure that there will be a uniform and standard policy on the administration and supervision of all local jails in the country. It will also enable the provincial governments to devote their time and resources in addressing more pressing issues and problems instead of supervising provincial jails.

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



CONG. JORGE ANTONIO P. BUSTOS



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1 **AN ACT**
2 **MANDATING THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY**
3 **TO EXERCISE SUPERVISION AND CONTROL OVER PROVINCIAL JAILS**
4 **AND APPROPRIATING FUNDS THEREFOR**
5

6 *Be it enacted by the Senate and House of Representatives of the Philippines in*
7 *Congress assembled:*
8

9 SECTION 1. The Bureau of Jail Management and Penology shall exercise
10 supervision and control over provincial jails. The supervision and control of
11 provincial jails by provincial governments are hereby transferred to the Bureau of Jail
12 Management and Penology. For purposes of this Act, it is understood that provincial
13 jails include all existing sub-provincial jails.

14 Each provincial jail shall be headed by a provincial jail warden with a rank of
15 superintendent, who must be a graduate of bachelor of laws or a holder of a master's
16 degree in management, public administration, public safety, criminology, penology,
17 sociology, national security administration, defense studies or other related

1 disciplines from a recognized institution of learning, and must have satisfactorily
2 passed the necessary training or career courses for such position as may be
3 established by the Bureau of Jail Management and Penology. The chief of the
4 Bureau of Jail Management and Penology shall appoint the provincial jail warden.

5 SEC. 2. Within six (6) months from the effectivity of this Act, the Secretary of
6 Interior and Local Government and the Secretary of Budget and Management shall
7 revise the organizational structure and staffing pattern of the Bureau of Jail
8 Management and Penology to include the necessary manpower to operate provincial
9 jails.

10 SEC. 3. All the existing provincial jail facilities, equipment, records, rights,
11 liabilities and other assets of every provincial government are hereby transferred to
12 the Bureau of Jail Management and Penology. For this purpose, there is hereby
13 established a three-year transition period to commence from the date of the effectivity
14 of this Act.

15 During the transition period, the provincial government shall subsidize the
16 subsistence allowance of inmates and the maintenance of the jail facility, including
17 payments of utilities and necessary repairs.

18 SEC. 4. The transfer of functions, facilities, equipment, records, rights,
19 liabilities and other assets from the provincial governments to the Bureau of Jail
20 Management and Penology shall be without prejudice to the provisions of Republic

1 Act No. 7160, otherwise known as the "*Local Government Code of 1991*," that are
2 not otherwise inconsistent with this Act. Such transfer, and the creation and filling-
3 up of positions to man the provincial jails shall be completed within the three-year
4 transition period.

5 SEC. 5. The incumbent personnel of provincial jails shall continue to perform
6 their duties and responsibilities in a holdover capacity until such time that qualified
7 personnel are, based on the staffing pattern, assigned and appointed. The qualified
8 incumbent personnel of provincial jails may be absorbed by the Bureau of Jail
9 Management and Penology without loss of seniority.

10 Any personnel who are not absorbed by the Bureau of Jail Management and
11 Penology shall be given preference in the filling-up of vacancies in the provincial
12 government or shall be allowed to retire under existing laws, rules and regulations.

13 SEC. 6. The amount necessary for the initial implementation of this Act shall
14 be sourced from the current appropriations of the Bureau of Jail Management and
15 Penology. Thereafter, such sums as may be necessary for the continued
16 implementation of this Act must be included in the General Appropriations Act.

17 SEC. 7. There is hereby created a special oversight committee to monitor and
18 expedite the implementation of this Act. The committee shall be composed of the
19 Secretary of Interior and Local Government as chairperson, the Secretary of Budget
20 and Management as co-chairperson, and the chairperson of the Civil Service

1 Commission, the president of the League of Provinces and the chief of the Bureau of
2 Jail Management and Penology, as members.

3 SEC. 8. Within ninety (90) days from the approval of this Act, the Secretary
4 of Interior and Local Government, in coordination with the chief of the Bureau of Jail
5 Management and Penology and the president of the League of Provinces, shall
6 promulgate the rules and regulations implementing the provisions of this Act. The
7 implementing rules and regulations issued pursuant to this section shall take effect
8 thirty (30) days after its publication in two (2) newspapers of general circulation.

9 SEC. 9. Sections 61, 62 and 63 of Republic Act No. 6975, as amended,
10 otherwise known as the "*Department of the Interior and Local Government Act of*
11 *1990*;" Paragraph (3), Subsection (b), Section 7 of Republic Act No. 9263, otherwise
12 known as the "*Bureau of Fire Protection and Bureau of Jail Management and*
13 *Penology Professionalization Act of 2004*;" and pertinent provisions of Republic Act
14 No. 7160 on the control and supervision of provincial jail; and all other laws, decrees,
15 orders, rules and regulations, or parts thereof, inconsistent with the provisions of this
16 Act, are hereby amended or modified accordingly.

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

19 Approved,