



HOUSE OF REPRESENTATIVES

House Bill No. **5237**

Introduced by Representative VICTOR A. YAP

EXPLANATORY NOTE

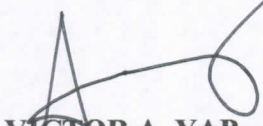
The Bureau of Jail Management and Penology (BJMP) is faced with various problems of critical and chronic overcrowding of jail facilities consequently causing disturbance, escapes, substandard living conditions, poor sanitation and hygiene-related diseases.¹ With the Duterte Administration's War on Illegal Drugs, the number of inmates in our presently congested penitentiaries will continue to increase.

The BJMP, also referred to as the Jail Bureau, was created pursuant to Sections 60 to 65, Chapter V of Republic Act No. 6975 or the Department of the Interior and Local Government (DILG) Act of 1990. As one of the five pillars of the Criminal Justice System, the BJMP is mandated to address growing concern of jail management and penology problem. As provided for, the Jail Bureau is mandated to take operational and administrative control over all city, district and municipal jails but excludes provincial and sub-provincial jails.

The country's penal system plays a significant role in the administration of justice in our country. Hence, professionalizing the practice of prison supervision will ensure that the officials heading our penal system are free from the controls of political influence. According to the DILG, thirteen (13) out of the seventy-four (74) provincial jails nationwide are now being supervised by the BJMP for better management and operational supervision.² More are expected to follow as more provincial governments recognize the BJMP's competence in the management of prisons.

This bill seeks to transfer the supervision and control of provincial and sub-provincial jails from local government units (LGUs) to the BJMP, to provide for the smooth transition thereof, and to professionalize prison management. Through this measure, there will be uniformity and boosted efficiency in the implementation of plans and programs geared towards BJMP's vision as "*a dynamic institution highly regarded for its sustained humane safekeeping and development of inmates.*"

To guarantee the integration of local jails and professionalism of its management, the timely passage of this bill is earnestly sought.


VICTOR A. YAP
Representative, 2nd District of Tarlac

¹ <http://www.preda.org/media/research-documents/the-situation-of-the-philippine-penitentiaries/>

² <https://www.gmanetwork.com/news/news/nation/707736/dilg-supports-integration-of-provincial-jails-to-bjmp/story/>

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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 NUMBERED SIXTY-NINE HUNDRED AND SEVENTY-FIVE, OTHERWISE KNOWN AS THE “DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT ACT OF 1990” AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives 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 AND DEPORTATION.**”

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 R.A. 9263, OTHERWISE KNOWN AS THE ‘BUREAU OF FIRE AND PROTECTION AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY PROFESSIONALIZATION ACT OF 2004’.**”

The Jail Bureau shall be 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 recommend 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.”

1 **SECTION 3.** Section 63 of the same Act is hereby amended to read as follows:

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

11 The **PROVINCIAL, SUB-PROVINCIAL, DISTRICT,** municipal or city jail
12 service who shall assist in the immediate rehabilitation of individuals or detention of
13 prisoners shall preferably be headed by a graduate of a four (4) year course in
14 psychology, psychiatry, sociology, nursing, social work or criminology, **PUBLIC**
15 **SAFETY, PENOLOGY, NATIONAL SECURITY ADMINISTRATION,**
16 **DEFENSE STUDIES OR OTHER RELATED DISCIPLINES FROM A**
17 **RECOGNIZED INSTITUTION OF LEARNING, AND MUST HAVE**
18 **SATISFACTORILY PASSED THE NECESSARY TRAINING OR CAREER**
19 **COURSES FOR SUPERINTENDENT POSITION AS MAY BE**
20 **ESTABLISHED BY THE JAIL BUREAU** who shall assist in the immediate
21 rehabilitation of individuals or detention of prisoners. Great care must be exercised so
22 that the human rights of this prisoners are respected and protected, and their spiritual
23 and physical well-being are properly and promptly attended to.”

24
25 **SECTION 4. Provincial Jail Administrator, Sub-Provincial Jail Administrator.** – The
26 heads of the provincial and sub-provincial jails within the province shall have the rank of
27 superintendent and shall be appointed by the chief of the jail bureau, the appointment of which
28 must be attested to by the civil service commission. [The provincial jail administrator shall exercise
29 supervisory control over the provincial, district, city and municipality jail in their respective
30 provinces.]

31
32 **SECTION 5. Authority of the Chief, Bureau of Jail Management and Penology to**
33 **Reorganize Provincial Jails.** – The Chief, Bureau of Jail Management and Penology have the
34 authority to reorganize existing provincial jails, including its offices and personnel; *Provided,* That
35 in the exercise of this power, the services of the personnel assigned therein and holding a
36 permanent appointment shall not be terminated.

37
38 **SECTION 6. Special Oversight Committee.** – A Special Oversight Committee is hereby
39 created, composed of the Secretary of the Department of the Interior and Local Government as
40 Chairman, the Secretary of the Department of Budget and Management as Co-Chairman, and the
41 Chief of the Bureau of Jail Management and Penology, the Chairman of the Commission on Audit
42 and the President of League of Provinces as members, which shall plan and oversee the expeditious
43 implementation of the transfer and absorption into the Bureau of all existing provincial jail
44 facilities, equipment, records, rights, liabilities, appropriations, installations and other assets of the

1 provincial and sub-provincial jails, subject to just compensation under appropriate terms and
2 conditions.

3 **SECTION 7. Transitory Provision.** – The incumbent personnel of provincial jails shall
4 continue to perform their duties and responsibilities in a holdover capacity until such time that
5 qualified personnel are, based on the staffing pattern assigned and appointed. The qualified
6 incumbent personnel of provincial jails may be absorbed by the jail bureau without loss of
7 seniority.

8 Any personnel who are not absorbed by the jail bureau shall be given preference in the
9 filling-up of vacancies in the provincial government or shall be allowed to retire under existing
10 laws, rules and regulations.

11 **SECTION 8. Appropriations.** – The existing appropriation for the operation and
12 maintenance of provincial jails shall, for the first of fraction therefore after enactment into law of
13 this Act, continue to be so appropriated for the purpose. Thereafter, the amount of two hundred
14 fifty million (P250,000,000.00) for the operation and maintenance of the provincial and sub-
15 provincial jails by the BJMP shall be included in the annual General Appropriations Act.
16

17 **SECTION 9. Separability Clause.** – If any of the provision of this Act is declared invalid,
18 the remainder of this Act or any provisions not affected thereby shall remain in force and effect.
19

20 **SECTION 10. Repealing Clause.** – All laws, decrees, ordinances, rules and regulations,
21 administrative or executive orders, and other presidential issuances inconsistent with this Act, are
22 hereby repealed, amended or modified accordingly.
23

24 **SECTION 11. Effectivity.** – This Act shall take effect fifteen (15) days after its
25 publication in the Official Gazette or in at least two (2) newspapers of general circulation.
26

27 Approved,