

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3797



Introduced by **REP. TEDDY BRAWNER BAGUILAT JR**

EXPLANATORY NOTE

The advancement of a national standard in the operational management of all local jails, which include provincial jails, sub-provincial jails, and district, city and municipal jails, is of paramount importance to better uphold the basic and constitutional rights of inmates who are detained/ serving their sentence in such jail facilities. With such standard firmly established and faithfully observed, there will be uniformity and boosted efficiency in the implementation of the plans and programs that are geared toward the more effective rehabilitation of inmates.

At present, Republic Act No. 6975 provides that "provincial jails shall be supervised and controlled by the provincial government within its jurisdiction". Hence, under the said law, the Bureau of Jail Management and Penology is not tasked with the operational management, supervision and control of all the existing provincial jails.

Toward the vision of establishing a national standard in the operational management of all local jails, R.A. 6975 and R.A. 9263 are herein proposed to be amended such that the Bureau of Jail Management and Penology shall now be tasked with the supervision and control of all local jail facilities.

In addition to the rationale stated above, this Act likewise offers the following advantages, to wit:

1. There will be established a uniform and standardized policy on the administration and supervision of all local jails.

2. The administration and operation of all local jails will be entrusted to the BJMP, which is a specialized agency the mission of which is specifically geared toward the safekeeping, reformation and rehabilitation of inmates. Thus, the objectives of public safety and institutional correction through jail

supervision and management could be better attained through this Act.

3. The provincial government will be unburdened with the task of supervising and maintaining a jail facility resulting to its being able to devote its focus to its more pressing responsibilities.

4. This Act will promote the professionalization of all jail personnel, which will now include the provincial jail guards.

It is therefore requested that this measure be approved.



TEDDY BRAWNER BAGUILAT JR

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3797

Introduced by REP. TEDDY BRAWNER BAGUILAT JR

AN ACT
INTEGRATING ALL THE PROVINCIAL AND SUB-PROVINCIAL JAILS
WITHIN THE JURISDICTION OF THE BUREAU OF JAIL MANAGEMENT
AND PENOLOGY AMENDING FOR THAT PURPOSE CERTAIN
PROVISIONS OF REPUBLIC ACT NO. 6975 AND
REPUBLIC ACT NO. 9263

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

SECTION 1. This Act shall be known as "*An Act Integrating All the Provincial and Sub-Provincial Jails within the Jurisdiction of the Bureau of Jail Management and Penology.*"

SECTION 2. Section 61 of Republic Act Number 6975, otherwise known as the Department of the Interior and Local Government Act of 1990 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**, 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]"*

Section 3. Section 62 of the same act is hereby amended to read as follows:

Section 62. Organization -

X XX

*The Jail Bureau shall be composed of **PROVINCIAL, SUB-PROVINCIAL**, city and municipal jails, each headed by a **PROVINCIAL, SUB-PROVINCIAL**, 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.*

X XX

Section 4. 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.*

X XX

SECTION 5. The management, supervision and control of provincial and sub-provincial jails, including all its property, equipment, and finances, are hereby transferred to the Bureau of Jail Management and Penology (BJMP).

Provided, however, that a three (3) year transition period is hereby established, to commence from the date of the effectivity of this act. During the transition period, the Provincial Government shall subsidize the subsistence allowance of inmates and the maintenance of the jail facility, including, but not limited to electric and water expenses and necessary repairs.

The transfer, and/ or absorption of the functions, appropriations, funds, records, equipment, facilities, choses in action, rights, and other assets of Provincial and Sub-Provincial Jails to/by the BJMP shall be without prejudice to the provisions of R.A. 7160 that are not otherwise inconsistent with this Act.

All personnel of Provincial and Sub-Provincial Jails, unless removed for cause, may be absorbed by the BJMP, provided, that such guidelines must be consistent with the provisions of Republic Act No. 9263 and its Implementing Rules and Regulations.

The Chief of the Bureau of Jail Management and Penology shall, within six (6) months from the effectivity of this Act, recommend the organizational structure and staffing pattern of the assumed provincial and sub-provincial jails.

SECTION 6. The Local Government of the Province shall be a partner of the BJMP in the rehabilitation of the inmates in the provincial jails. For this purpose, the Sanggunian Panlalawigan of each province shall provide for the maintenance and improvement of jails and detention centers and shall appropriate funds to supplement subsistence of detainees and convicted prisoners in the province.

SECTION 7. The Provincial and Sub-provincial Jail Warden shall have the rank of Superintendent; provided that if the jail population is one thousand

(1,000) or more inmates, the Warden shall have the rank of Superintendent. He/she must be a graduate of Bachelor of Laws or a holder

of a master's degree in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies or other related discipline from a recognized institution of learning, and must satisfactorily pass the necessary training or career courses for such position as may be established by the law.

SECTION 8. A Special Oversight Committee, composed of the Secretary of the Interior and Local Government as Chairman, the Secretary of the Department of Budget and Management as Co-Chairman, and the Chairman of the Civil Service Commission, the President of League of Provinces and the Chief of the Bureau of Jail Management and Penology, as members, is hereby created to oversee the expeditious transfer and absorption into the Bureau of Jail Management and Penology of all personnel, property, appropriations and installations of the provincial and sub-provincial jails.

SECTION 9. Within ninety (90) days from the effectivity of this Act, the Oversight Committee shall promulgate the rules and regulations necessary to ensure the effective implementation of this Act.

SECTION 10. Should any part, section or provision of this Act be declared invalid or unconstitutional, the other parts, sections or provisions thereof shall remain valid and effective.

SECTION 11. All laws, orders, rules or regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SECTION 12. This Act shall take effect fifteen (15) days after the completion of its publication in at least two (2) newspapers of general circulation.

APPROVED.