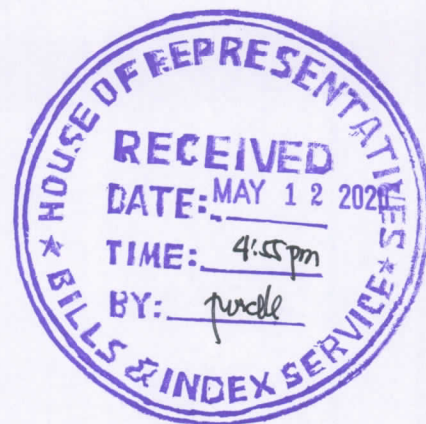


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION No. 860



Introduced by

BAYAN MUNA Representatives CARLOS ISAGANI T. ZARATE,
FERDINAND R. GAITE and EUFEMIA C. CULLAMAT

RESOLUTION

URGING THE DEFEAT COVID-19 AD-HOC COMMITTEE
TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION,
ON THE REPORTED RISING NUMBER OF PRISONERS DYING FROM
COVID-19 INSIDE HIGHLY CONGESTED PRISON FACILITIES
AND ON THE SLOW RELEASES OF QUALIFIED PERSONS DEPRIVED OF
LIBERTY AND OTHER PRISONERS ELIGIBLE FOR PAROLE,
MAKING OUR PRISONS A VECTOR OF COVID-19 OUTBREAKS

WHEREAS, the Philippine prison system has the highest congestion rate in the world at 605%.¹ Overcrowded cells and the direst lack of the barest essentials for health—nutritious food, clean drinking water, adequate medical care, and even soap—have resulted in steep death rates in the country's 933 prisons that house a total population of 188,278 inmates, where 75.1% are pre-trial detainees;²

WHEREAS, the Bureau of Jail Management and Penology (BJMP), which supervises jails for those undergoing investigation and trial, said its death rate is 300 to 800 inmates a year.³ This means 1 to 2 prisoners die every day in BJMP jails. The Bureau of Corrections (BuCor) said about 20% percent of the 26,000 inmates at the New Bilibid Prison (NBP), Muntinlupa die annually,⁴ a situation which the NBP hospital head during Senate hearings last October 2019 described as "critical" when compared to global standards;

WHEREAS, physical distancing, isolation, and other precautions to mitigate the spread of SARS-CoV-2, the virus that causes the Covid-19 infection, are very difficult, even virtually impossible, in our jails. For example, the capacity of the Cebu City Jail is only 523 prisoners but it is currently holding 6,604 inmates as of 23 April 2020, an occupancy level of 1,262 percent. As of 30 April, 332 inmates have confirmed SARS-CoV-2 infection;

WHEREAS, Human Rights Watch, a prominent international human rights group, has expressed concern the Philippines is not fully reporting deaths in the country's overcrowded prisons that are supervised by the BuCor and BJMP. At least seven inmates in two jails have died since March 25, according to five inmates interviewed by Human Rights Watch. Inmates said

¹ <https://pcij.org/article/923/state-of-the-ph-in-2018-our-jails-are-now-worlds-most-congested>

² <https://theaseanpost.com/article/packed-prisons-philippines>

³ <https://news.abs-cbn.com/news/11/13/19/bilibid-hospital-chief-1-inmate-dies-every-day-jail-mortality-rate-in-critical-condition>

⁴ <https://newsinfo.inquirer.net/1173328/bilibid-killers-disease-congestion-claim-5k-inmates-yearly>

1 they have seen more deaths than usual and that inmates working as “medical aides” were made
2 to carry bodies without proper protective equipment, contrary to WHO guidelines;⁵
3

4 **WHEREAS**, many countries such as the US, Iran, UK, France, and Indonesia are now rapidly
5 moving to decongest prisons by releasing persons deprived of liberty (PDLs), which the United
6 Nations through the High Commissioner for Human Rights has called for on humanitarian
7 grounds, stressing especially the inclusion of political prisoners;
8

9 **WHEREAS**, in the Supreme Court, families of political prisoners filed a petition on 08 April for
10 the release of the elderly, sick, and pregnant prisoners, which covers not only political prisoners
11 but all other similarly situated inmates. Kapatid, the support organization of families of political
12 prisoners, also presses the release of those with low-level offenses, minors, those already eligible
13 for release and parole, the incidental victims of political arrests, and the wife from twelve
14 political prisoner couples to allow her to help her imprisoned husband and family;
15

16 **WHEREAS**, the House of Representatives also responded to the call to release PDLs and
17 vulnerable jail populations. On 06 April 2020, the House of Representatives Committee on
18 Justice recommended to the Peace and Order Cluster of the Defeat Covid-19 Committee the
19 temporary release of PDLs to decongest the prison system, noting the lack of healthcare facilities
20 and personnel in jails nationwide;
21

22 **WHEREAS**, the Supreme Court through its recent circulars announced that 9,731 prisoners
23 have already been released or are eligible for release, allowing reduced bail or release on
24 recognizance in order to decongest prisons, a move welcomed by advocates and human rights
25 organizations;
26

27 **WHEREAS**, however, given deplorable prison conditions and the rapid spread of the virus, the
28 process for prisoner release is comparably sluggish. In the report to the House of
29 Representatives, President Duterte indicated that the Bureau of Pardons and Parole (BPP) and
30 the Bureau of Corrections are still in the process of compiling prison records for PDLs who may
31 benefit from the new rules on Parole and Executive Clemency. An initial batch of only 200
32 PDLs is still under review and the cases of at least 100 PDLs will still have to be deliberated on
33 by the BPP on a weekly basis;
34

35 **WHEREAS**, the reduction of bail amount to as low as ₱20,000 is still a steep price for most
36 prisoners who come from the poor. Additionally, only low-level offenders are covered by the
37 recent Supreme Court circulars, pointedly excluding from release the elderly and the sick, as well
38 as the most vulnerable political prisoners who are foisted with non-bailable criminal charges;
39

40 **WHEREAS**, on 04 May 2020, peasant leader and political prisoner Adelaida “Nanay Ede”
41 Macusang, 61, is the first political prisoner to die in the time of the pandemic. Calls by human
42 rights groups to test her to find out if she contracted the SARS-CoV-2 virus have gone
43 unheeded. Macusang was arrested on 28 March 2018 for alleged illegal possession of firearms
44 and explosives—the same contrived charge that has put many other activists in jail;
45

46 **WHEREAS**, it is prayed that the supremacy of justice, compassion, and humanity will prevail in
47 this urgent matter of life and death. It is hoped that the prison doors be opened wider for
48 humanitarian releases to save the life of as many persons deprived of liberty, including the
49 elderly, the sick, and pregnant prisoners;

⁵ <https://www.hrw.org/news/2020/04/28/philippines-prison-deaths-unreported-amid-pandemic>

1
2 **NOW THEREFORE BE IT RESOLVED**, that the Defeat Covid-19 Ad-Hoc Committee
3 conduct an investigation, in aid of legislation, on the reported rising number of prisoners dying
4 from COVID-19 inside highly congested prison facilities and on the slow releases of qualified
5 persons deprived of liberty and other prisoners eligible for parole, making our prisons a vector of
6 Covid-19 outbreaks.

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8 *Adopted,*
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14 **REP. CARLOS ISAGANI T. ZARATE**
15 *Bayan Muna Partylist*
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20 **REP. FERDINAND R. GAITE**
21 *Bayan Muna Partylist*
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22 **REP. EUFEMIA C. CULLAMAT**
Bayan Muna Partylist