

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5082



INTRODUCED BY: HONORABLE MARISOL C. PANOTES

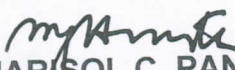
EXPLANATORY NOTE

This bill seeks to integrate the provincial jails and sub-provincial jails within the jurisdiction of the Bureau of Jail Management and Penology (BJMP) in order to establish a national standard in the operation management of all local jails in the country. The advancement of national standard for all local jails is intended to uphold the basic rights of inmates who are serving their sentence in local jail facilities.

Republic Act No. 6975 otherwise known as the "Department of the Interior and Local Government Act of 1990" explicitly mandates that provincial jails are supervised and controlled by the provincial government within its jurisdiction. Under this situation, there is no standardized or uniform policy with respect to the administration and supervision of all local jails.

It is therefore the paramount objective of this important piece of legislation to establish a uniform policy in the administration and supervision of all local jails to be carried out by the BJMP, which is an agency specifically tasked for the safekeeping, reformation and rehabilitation of inmates. The objectives of public safety and institutional correction through jail supervision and management could be better attained through this proposed measure. Moreover, the provincial government will be removed of the burden of supervising and maintaining a jail facility and can therefore, focus its attention to the needs of their inhabitants.

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


MARISOL C. PANOTES
Representative

Second District, Camarines Norte

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5082

INTRODUCED BY: HONORABLE MARISOL C. PANOTES

AN ACT
INTEGRATING THE PROVINCIAL AND SUB-PROVINCIAL JAILS WITHIN THE JURISDICTION OF THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6975, AS AMENDED, OTHERWISE KNOWN AS "THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990"

*Be it enacted by the Senate and House of Representatives
of the Philippines in congress assembled:*

SECTION 1. Section 61, 62 and 63 of Republic Act No. 6975, as amended, otherwise known as the "Department of the Interior and Local Government Act of 1990" are hereby amended to read as follows:

"SEC. 61. Powers and Functions. – The Jail Bureau shall exercise supervision and control overall 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.]

SEC. 62. Organization. – The Jail Bureau shall be headed by a Chief who shall be assisted by a deputy chief.

The Jail Bureau shall be composed of PROVINCIAL, SUB-PROVINCIAL, 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.

SEC. 63. Establishment of PROVINCIAL, SUB-PROVINCIAL, District, City or Municipal Jail. – There shall be established and maintained in every PROVINCE, SUB-PROVINCIAL, district, city or municipality a secured, clean, adequately equipped and sanitary jail for the custody and safekeeping of 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 persons who endangers himself or the safety of others, duly certified as such by the proper medical or health officer, pending the transfer to a mental institution.

The PROVINCIAL, SUB-PROVINCIAL, 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 who shall assist in the immediate rehabilitation of individuals or detention prisoners. Great care must be exercised so that the human rights of these prisoners are respected and protected, and their spiritual and physical well-being are properly and promptly attended to.”

SEC. 2. The management, supervision and control of 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-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, records, equipment, facilities, choses in action, rights, and other assets of provincial jails to/by the BJMP shall be without prejudice to the provisions of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991 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 otherwise known as the “Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004” and its implementing rules and regulations.

The Chief of the BJMP 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.

SEC. 3. The provincial government shall be a partner of the BJMP in the rehabilitation of the inmates in the provincial jail. For this purpose, the Sangguniang 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.

SEC. 4. 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 Senior Superintendent, who shall both possess the qualifications prescribed under the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004".

SEC. 5. There is hereby created a Special Oversight Committee composed of the Secretary of the Department of the Interior and Local Government (DILG), as Chairperson, and the Secretary of the Department of Budget and Management (DBM), the Chairperson of the Civil Service Commission (CSC), the President of the League of Provinces and the Chief of the Bureau of Management and Penology, as members, to oversee the expeditious transfer and absorption in the BJMP of all personnel, property, appropriations and installations of the provincial and sub-provincial jails.

SEC. 6. 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.

SEC. 7. All laws, decrees, executive orders, rules and regulations which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

SEC. 8. **This Act shall take** effect fifteen (15) after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,