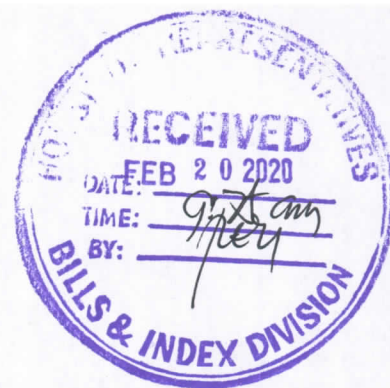


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 6352



Introduced by Representative Divina Grace C. Yu

EXPLANATORY NOTE

This bill seeks to transfer the supervision and control over Provincial Jails to Bureau of Jail Management and Penology (BJMP).

Section 61 of Republic Act No 6975, otherwise known as the Department of Interior and Local Government Act of 1990 states that:

"Powers and Functions. — The Jail Bureau shall exercise supervision and control over all 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"

In the present set-up, BJMP is mandated by the law to exercise supervision and control over all district, city and municipal jails, while provincial and sub-provincial jails are under the auspices of their respective provincial governments.

Our government is operating two different offices catering to the same clienteles and employing different sets of personnel for that purpose. It sometimes creates confusion as to jail management strategies and leadership standards.

Through this measure, there will be a holistic approach in the administration and supervision of prison and jail facilities in the country. This would lead to better implementation of existing standards, policies, and guidelines in the administration of local jails with regards to the safety of inmates, persons in custody awaiting investigation, and ensuring that detention facilities meet at least the minimum standard of treatment of prisoners.

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


DIVINA GRACE C. YU

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 6352

Introduced by Representative Divina Grace C. Yu

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

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

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

Each provincial jail shall be headed by a provincial jail warden with a rank of superintendent, who 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 disciplines from a recognized institution of learning, and must have satisfactorily passed the necessary training or career for such position as may be established by the Bureau of Jail Management and Penology. The chief of the Bureau of Jail Management and Penology shall appoint the provincial jail warden.

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

Section 3. All the existing provincial jail facilities, equipment, records, rights, liabilities, and other assets of every provincial government are hereby transferred to the Bureau of Jail Management and Penology. For this purpose, there is hereby established a three-year transition period 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 payments of utilities and necessary repairs.

Section 4. The transfer of functions, facilities, equipment, records, rights, liabilities and other assets from the provincial government to the Bureau of Jail Management and Penology shall be without prejudice to the provisions of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991," that are not otherwise inconsistent with this Act. Such transfer, and the creation and filling-up of positions to man the provincial jails shall be completed within the three-year transition period.

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

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

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

Section 7. There is hereby created a special oversight committee to monitor and expedite the implementation of this Act. The committee shall be composed of the Secretary of Interior and Local Government as chairperson, the Secretary of Budget and Management as co-chairperson, and the chairperson of the Civil Service Commission, the president of the League of Province and the chief of the Bureau of Jail Management and Penology, as members.

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

Section 9. Sections , 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;" Paragraph (3), Subsection(b), Section 7 of the Republic Act No. 9263, otherwise known as the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004;" and pertinent provisions of Republic Act No. 7160 on the control and supervision of provincial jail; and all other laws, decrees, orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby amended or modified accordingly.

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

Approved,