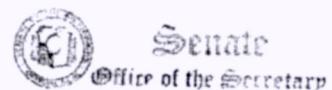


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



SENATE

19 JUL -2 P1:29

S. NO. 180

RECEIVED BY: SP

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT  
INSTITUTIONALIZING PRISON REFORM AND RESTORATIVE JUSTICE  
IN THE PHILIPPINE CORRECTIONAL SYSTEM AND FOR OTHER  
PURPOSES**

**EXPLANATORY NOTE**

The Philippines is a State Party to United Nations treaties and instruments concerning persons deprived of liberty. It is obligated to implement the treaty commitments, primarily through the passage of domestic laws based on internationally recognized standards that set benchmarks and indicators of success.

For persons deprived of liberty, the United Nations Minimum Standards for the Treatment of Prisoners is a comprehensive tool to help policy makers and implementers ensure that detention provide opportunities for correction and reform. In addition, there are other guidelines for specific sectors such as women and persons with disability.

Apart from those international standards, Article III, Section 19 of the 1987 Constitution mandates that “[t]he use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law”.

Therefore, there are enough bases in the Constitution and in our internationally binding commitments to pursue changes in our corrections and jail system. But more than these legal imperatives, realities on the ground should compel our policymakers to push for the much needed reforms.

Just take the case of overcrowding. Our jails have topped the World Prison Brief's list of the most overcrowded incarceration systems in the world, as reported in

the New York Times<sup>1</sup>. It is truly worrisome: how in only two years, as President Duterte's "war on drugs" rages on, our jail population increased to 64 percent with a total of 160,000 Persons Deprived with Liberty (PDLs). The burden is shared even by our prison facilities, with the problem of congestion getting worse by the hour as shown by its population increase of 30 percent for the past 2 years.

It is vitally important therefore to enact a law instituting wide ranging reforms in our jails and correction system, a legislation that shall mandate the upgrade of our facilities, enhance professionalization of our jail and correction officers and employees, and legislate the standards of humane treatment of the inmates.

In Senate Bill No. 1879, or the Unified Corrections and Jail Management System Act of 2018, which I filed during the 17<sup>th</sup> Congress, and for refiling this Congress, I sought to introduce institutional reforms through the integration of our jails and correctional facilities into one system to be run by a central authority, which shall largely merge the functions, responsibilities and resources of the present Bureau of Corrections and Bureau of Jail Management and Penology.

In this bill, the policy direction is towards helping convicted and/or detained individuals develop appreciation and respect for the law and in turn, reduce their tendencies to recidivate, and prepare them for reintegration in society. This also takes into consideration the importance of strengthening capacities of those who work in correctional institutions and helping them appreciate their contribution to the full cycle of bringing to justice the perpetrators and ensuring that their victims are afforded the justice that they deserve.

The purpose of punishment under our Penal Laws is not confined to retribution and deterrence. It is also for correction and reformation. The purpose of this bill is to help persons deprived of liberty (PDLs) – the detainees and prisoners – prepare for their eventual return to their families and to the mainstream of our society. To reintegrate them efficiently and peacefully into the community where they once belonged, a system of rehabilitation is vital. Putting them under the hands of the law after all, is not the end of their lives but a step towards the rebuilding of a better one, where they can be useful members thereof.

---

<sup>1</sup> Almendral, A. "Where 518 Inmates Sleep in Space for 170, and Gangs Hold It Together." 7 January 2019. New York Times. Available at: <https://www.nytimes.com/2019/01/07/world/asia/philippines-manila-jail-overcrowding.html> <last visited on 06 June 2019>

the law after all, is not the end of their lives but a step towards the rebuilding of a better one, where they can be useful members thereof.

As a first step towards the State's compliance with International Law obligations on respecting the human rights of PDLs, organizational reforms shall be institutionalized, including the training of officials and personnel in whose hands and at whose mercy their rehabilitation and restoration would ultimately depend.

A new system of classification shall be implemented as a substitute of the present sentence-based classification. This new system will take into consideration not only the imposed penalties, but also other important factors that play a vital role in rehabilitating persons.

Finally, this bill recognizes that imprisonment is not a lifetime chain that would eternally bind prisoners in the dark. The State shall take steps towards reforming them, by affording them assistance in seeking for jobs and housing once they are released back into society.

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

*leiladepr*  
LEILA M. DE LIMA

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



**Senate**  
of the Secretary

'19 JUL -2 P1:29

## **SENATE**

S. No. 180

RECEIVED BY:

Introduced by SENATOR LEILA M. DE LIMA

**AN ACT  
INSTITUTIONALIZING PRISON REFORM AND RESTORATIVE JUSTICE  
IN THE PHILIPPINE CORRECTIONAL SYSTEM AND FOR OTHER  
PURPOSES**

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

Chapter I

## **Title, State Policy and Definition of Terms**

3           Section 1. *Short Title.* – This Act shall be known as the “*Prison Reform Act of*  
4       *2019.*”

5        Sec. 2. *Declaration of Policy.* – The State recognizes that the maintenance of  
6 peace and order, the protection of life, liberty, and property, and the promotion of  
7 the general welfare are essential for the enjoyment by all the people of the blessings  
8 of democracy. The State likewise values the dignity of every human person and  
9 guarantees full respect for human rights. To ensure adherence to these avowed  
10 policies, the State, through this Act, undertakes to establish a just, proportionate,  
11 effective, and human correctional system, with the following objectives:

12        1. Prioritize the rehabilitation of persons deprived of liberty as domestic  
13              translation of the obligation to treat with humanity and with respect for  
14              inherent dignity, all persons deprived of liberty, as found in United  
15              Nations human rights conventions to which the Philippines is State Party  
16              and in fulfilment of the constitutional guarantee of full respect for human  
17              rights; and

1           2. Institutionalize transformational policy direction in the Philippines'  
2           corrections system founded on the principle of restorative justice in order  
3           to reduce the risk of recidivism and other vulnerabilities to crime  
4           commission, violence, and diseases.

5           Sec. 3. *Definition of Terms.* – As used in this Act, the following terms have the  
6           corresponding meanings, as follows:

- 7           1. *Criminogenic needs* - refers to characteristics, traits, problems, or issues of  
8           an individual that directly relate to the individual's likelihood to re-offend  
9           and commit another crime. This includes static factors such as age at the  
10          time of first arrest, criminal history, socio-economic background and  
11          dynamic factors such as lack of respect for authority, anti-social behaviour,  
12          lack of literacy or job skills, or other expressed non-conformist behaviors,  
13          values, and attitudes that are correlated with criminal activity;
- 14          2. *Recidivism Risk Level* - refers to the degree of probability of reoffending or  
15          committing another crime;
- 16          3. *Risk Assessment* - refers to the process of evaluating the recidivism risk  
17          level of an offender, and provides an empirical estimate of whether an  
18          offender has a sufficiently high likelihood of again committing crime to  
19          justify incapacitation;
- 20          4. *Custodial duty* - refers to the duty to ensure that persons deprived of  
21          liberty remain within the premises of prisons and jails while serving  
22          sentence or undergoing trial. It encompasses the duty to protect them from  
23          violence that may occur from individual- or group-initiated operations  
24          within the facilities. It also compasses the duty to protect the rights of  
25          persons deprived of liberty as provided in this Act;
- 26          5. *Jail* - refers to facilities that receive custody of individuals who are  
27          undergoing trial and those who have been sentenced to serve  
28          imprisonment not exceeding three years;
- 29          6. *Persons deprived of liberty (PDLs)* - refer to any person deprived of  
30          personal liberty as a result of conviction for an offense. It shall also refer to  
31          a person arrested or detained by reason of a criminal charge, who is  
32          detained either in police custody or in jail awaiting trial or final conviction;

7. *Prison* - refers to a government establishment where national inmates/prisoners serve their sentence. Prison shall include penal colonies and Prison and Penal Farms; and
  8. *Reformation* - refers to the rehabilitation component of the corrections system and shall ensure that upon release from detention facilities, former PDLs shall not recidivate but are instead mainstreamed into society and able to live productive lives.

## Chapter II

## **Coverage and Guiding Human Rights Principles in the Reformation of Persons Deprived of Liberty**

*Sec. 4. Coverage.* – The programs and services established under this Act shall apply to all persons deprived of liberty, including pre-trial detention prisoners, and individuals serving sentences, without discrimination regardless of age, sexual orientation, gender identity, ethnicity, religion, and other statuses under the custody of the Bureau of Jail Management and Penology (BJMP) and Bureau of Corrections (BuCor), and shall exclude those in other detention and custodial centers not under BJMP and BuCor.

*Sec. 5. Program Context.* – While giving primacy to the principles of restorative justice, programs shall be designed and carried out to acknowledge the injury or damage committed against victims and their families, and the need for reparation or indemnity, and the necessity to understand the different that lead to the commission of crimes.

*Sec. 6. Access to Legal Aid.* – Access to competent and free legal aid shall be made available to persons deprived of liberty at all stages of litigation up to appeal, and the lawyers, representatives of organizations, or students from law schools providing this service should be free and safe from harassment.

*Sec. 7. Rights of Persons Deprived of Liberty.* – Every person deprived of liberty shall be accorded the following minimum rights:

1. The right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, including solitary confinement;
  2. The right to competent counsel in all stages of litigation, including appeal and other post-conviction remedies, and the provision of free legal aid for indigent PDLS;

3. The right to basic and necessary healthcare;
4. The right to clean and adequate food and water;
5. The right to decent and compensated work, whenever available and applicable; and
6. The right not to be discriminated against, and to be treated with respect due to their inherent dignity and value as human beings.

## Chapter III

### Institutional Reforms

#### A. Judicial Reforms

Sec. 8. *Protection of the Right of PDLs to Speedy Trial.* – The Department of Justice (DOJ), in coordination with the Judiciary and the Integrated Bar of the Philippines (IBP), shall adopt appropriate measures to ensure that the right of PDLs to speedy trial is protected.

Sec. 9. *Decongestion through a System of Automatic Release.* – All detention and correctional facilities are hereby mandated to automatically release PDLs upon the concurrence of the following conditions:

1. The PDL has been in custody or has served time for a period equal to or more than the maximum period prescribed for the offense charged.
2. A report has been filed at least ninety (90) days prior to the date of release with the proper court and legal authorities on all matters relating to the charge and the penalty provided therefor, the maximum period imposed for the crime charged and/or committed provided under the law violated, and the present period of incarceration.
3. Transmittal of approval by the proper court and legal authorities.

Sec. 10. *Continuation of Trial or Proceedings on Appeal.* – Nothing in this Act shall mean a cessation of trial and proceedings already pending. The release as ordered in the preceding section shall be without prejudice to the continuation of the trial or proceedings on appeal, if any.

#### B. Facility Reforms

Sec. 11. *Infrastructure Plans.* – The Bureau of Correction (BuCor) and the Bureau of Jail Management and Penology (BJMP) shall make an audit of existing penal facilities and conduct studies with the end in view of creating an Infrastructure

1 Plan. The implementation of the plan shall not begin later than five (5) years from  
2 the effectivity of this Act, to be completed within a period of ten (10) years from the  
3 effectivity of this Act.

4 The Infrastructure Plan of the BuCor shall, as much as practicable, include the  
5 construction of at least one (1) penal facility per region. The said plan shall then be  
6 submitted to the DOJ for the inclusion thereof in the latter's budget.

7 The Infrastructure Plan of the BJMP shall be submitted to the Department of  
8 Interior and Local Government (DILG) for the inclusion thereof in the latter's budget.

9 *Sec. 12. Facilities and Living Conditions.* – Prisons and jails shall be built and  
10 improved to comply with standards of prison planning, including the dimension of  
11 cell and other guidelines for accommodations, as set forth in the United Nations  
12 Minimum Standards for Treatment of Prisoners. Such facilities shall include but not  
13 limited to:

- 14 1. Dormitories or cells;
- 15 2. Hospital or infirmary;
- 16 3. Multipurpose or recreation hall;
- 17 4. Common areas for reception and visitors, kitchen and mess hall, place of  
worship, wash or laundry area; and
- 18 5. Clean and adequate water source.

20 *Sec. 13. Offender Tracking Information System (OTIS).* – There shall be  
21 created an Offender Tracking Information System (OTIS), a program that stores and  
22 organizes data of all persons admitted into jails and prisons.

23 The OTIS shall automate the existing manual records management separately  
24 maintained by the BuCor and BJMP.

25 The program shall be the central database of the following information:

- 26 a) PDL's personal profile;
- 27 b) PDL's case information;
- 28 c) PDL's jail location history and the status of their respective cases;
- 29 d) Status of the offender's case; and
- 30 e) Inmates' records including the Good Conduct Time Allowance  
(GCTA).

Sec. 14. *OTIS Records.* – All data stored in the OTIS shall be considered protected, and shall be governed by established rules for access, storage, safekeeping, auditing, digital privacy and security, and efficient transmittal.

### C. Organizational Reforms

5        Sec. 15. *Appointment to the Bureau of Corrections.* – Appointment to the  
6        Bureau of Corrections shall be based on merit determined through the exercise of  
7        sound and credible recruitment and hiring policies and guidelines concerning all  
8        positions. The Civil Service Commission shall formulate the requirements and  
9        qualifications of individuals to be appointed to positions equivalent to Assistant  
10      Secretary up to Chief of the Bureau.

11            Sec. 16. *Organizational Structure, Salary and Rank, Term of Office of*  
12 *Officials.* – To strengthen the Bureau of Corrections and to meet the appropriate  
13 ratio of staff attending to prisoners, additional personnel consisting of correctional  
14 and rehabilitation officers including administrative staff shall be recruited and  
15 appointed. *Provided,* That there shall be reserved appointments for three (3)  
16 graduates of the Correctional Academy provided in Section 22 of this Act, for every  
17 non-commissioned staff appointed. *Provided further,* that Assistant Secretaries to  
18 Chief of Corrections shall serve for a term of three years without reappointment or  
19 extension, unless separated from service sooner than end of the term.

20        Sec. 17. *Additional Personnel and Upgrading of Positions.* – In order to  
21 enhance their general welfare, commitment to service, and professionalism,  
22 additional personnel shall be employed to match the ideal ratio of custodial officer to  
23 prisoner. The necessary restructuring of personnel complement shall be undertaken  
24 with the assistance of the Department of Budget and Management and the Civil  
25 Service Commission.

26 The BJMP and BuCor shall take into consideration the international standards  
27 with regard to prisoner-to-jail/correctional officer ratio in determining the desirable  
28 staff requirements.

29        Sec. 18. *Retirement and Other Benefits.* – Upon compulsory retirement, any  
30      custodial officer from the rank of Corrections Chief and below shall be entitled to  
31      retirement benefits computed on the basis of one grade higher than the position last

1 held. *Provided*, That the retirement pay shall be subject to adjustments based on the  
2 prevailing scale of base pay of civilian personnel.

3 Sec. 19. *Grant of Hazard Pay*. – The officials, uniformed personnel and  
4 applicable civil personnel assigned to penal institutions of the Bureau of Jail  
5 Management and Penology and the Bureau of Corrections shall receive hazard pay.

6 Nothing in this Act shall be construed as to diminish, in any manner, any  
7 benefit granted by existing laws, rules and regulations, local ordinances and other  
8 issuances especially favourable to said covered officials and personnel.

9 The BuCor and BJMP, in close coordination with Department of Budget and  
10 Management, shall formulate the appropriate hazard pay scale which will form part  
11 of the implementing rules and regulations of this Act.

12 Sec. 20. *Professional Development of Officers and Staff*. – The Bureau of  
13 Corrections is authorized to enter into cooperation agreements with foreign  
14 universities or colleges offering specialized courses on the criminal justice system,  
15 specifically on correctional and prison standards and reforms. It shall devise a  
16 scheme whereby all officers and staff are able to participate in fellowship programs at  
17 short and regular intervals, subject to service obligations to the government, and in  
18 consultation with the Civil Service Commission.

19 Sec. 21. *Continuous System of Reassignment*. – Subject to the exigencies of  
20 the service, jail/prison officers shall have a term-based assignment to avoid  
21 fraternization and familiarity with the PDLs. The tour of duty of jail/prison officers at  
22 each penal facility shall not exceed six (6) years. Service of each tour within the same  
23 penal facility shall be subject to the condition that the jail/prison officers shall serve  
24 at one office or section within the same facility for the first three (3) years thereof,  
25 and the last three (3) years at another office or section.

26 Constant reassignment through a system of rotation of posts of jail/prison  
27 officers shall be institutionalized. Such reassigned officers shall be entitled to  
28 relocation allowance under existing laws.

## 29 Chapter IV

### 30 Philippine Correctional Academy and Training Institute

31 Sec. 22. *Philippine Correctional Academy and Training Institute*. – There  
32 shall be created the Philippine Correctional Academy and Training Institute (PCATI)

1 which shall serve as the premier school for prospective custodial and rehabilitation  
2 officers, to be designed to teach expertise on custodial, reformation and  
3 rehabilitation work, with programs focusing on the context of detention, its causes  
4 and objectives.

5        Sec. 23. *Continuing Training Programs.* – The PCATI shall provide  
6 continuing capacity building for all officers and staff focusing on courses pertaining  
7 to prison management and operations, paralegal work, human rights, culture and  
8 gender sensitivity, and other relevant subject matters, including pertinent rules and  
9 regulations of the BuCor and the facilities.

10        Sec. 24. *Board of Directors.* – The PCATI shall be under the management and  
11 supervision of the Board of Directors (Board) composed of the following officials:

- 12            1. The Secretary of Justice as *ex-officio* Chairperson to be assisted by the  
13              Chief of the Bureau of Corrections and as Permanent Representative;
- 14            2. *Ex-officio* Members:
  - 15              a. Chairperson, Commission on Higher Education;
  - 16              b. Secretary, Department of Education;
  - 17              c. Chairperson, Commission on Human Rights;
  - 18              d. Secretary, Department of Health;
  - 19              e. Dean, National Defense College of the Armed Forces of the  
20               Philippines.
- 21            3. The Board shall be assisted by a Secretariat headed by an Executive  
22              Director with the rank of Assistant Secretary.

23        Sec. 25. *Functions of the Board.* – The Board shall develop and lay down  
24 policies to provide education and training in prison administration and PDL  
25 reformation. This shall also cover regular and continuing capacity building for staff  
26 and technical vocational skills for PDLs, in cooperation with relevant government  
27 agencies and the private sector.

28        Sec. 26. *Recruitment of Custodial Officers.* – Custodial officers shall be  
29 recruited for study and training in the PCATI. After completion of a minimum of  
30 two-year course in the PCATI, they shall be considered as commissioned officers. The  
31 PCATI shall likewise develop an on-the-job training program for prison employees  
32 who are recruited or hired without having completed the required courses.

*Sec. 27. Continuing Research.* – The PCATI shall conduct a continuing research and advocacy work on the following:

1. Best practices relating to prison management and operations and prisoner reform;
  2. Best practices relating to the use of prisoner risk and needs assessment tools;
  3. Best available risk and needs assessment tools and the level to which they rely on dynamic risk factors that could be addressed and changed over time, and on measures of risk of recidivism, individual needs, and responsivity to recidivism reduction programs;
  4. The most effective and efficient uses of such tools in conjunction with recidivism reduction programs, productive activities, incentives, and rewards;
  5. The most effective recidivism reduction programs in addressing the different risks and specific criminogenic needs of prisoners, and the volume and intensity of programming that most effectively reduces the risk of recidivism for prisoners with different risks of recidivating; and
  6. The most effective pre-release custody options for prisoners with different risks of recidivating.

20 The PCATI shall regularly submit its findings and recommendations to the  
21 DOJ and Congress for possible amendments to the existing rules and laws.

## Chapter V

## **System of Effective Administration of Justice and Reformation**

24 Sec. 28. Reception and Diagnostics Center (RDC). – There shall be created a  
25 Reception and Diagnostics Center within each penal facility, which is tasked with the  
26 mandate of establishing a continuing assessment of PDLs for the duration of  
27 imprisonment.

28 The RDC shall be responsible for the conduct of classification of each and  
29 every inmate admitted to penal institutions. The classification shall be based on the  
30 following principles in lieu of the sentence-based classification:

- 1        1. Risk Principle which suggests that the amount of supervision and control  
2                  accorded to inmates must be based on their criminogenic needs and  
3                  tendency to commit crimes within the penal facility;
- 4        2. Need Principle which suggests that the factors that led inmates to criminal  
5                  behavior must be properly and fully diagnosed, and that physical, mental  
6                  and psychosocial health of inmates must be fully taken into consideration  
7                  in their housing and segregation; and
- 8        3. Responsivity Principle which suggests that inmates respond differently to  
9                  programs, and that programs must be specifically tailored to their  
10                 individual potential for rehabilitation, reformation and reintegration into  
11                 society, and their capacity to respond thereto.

12                 The RDC shall be the point of entry of all inmates in penal facilities. Except  
13                 during periods of national emergency or on account of natural disaster/calamity, in  
14                 no case shall an inmate stay within the RDC for a period longer than sixty (60) days.

15                 Sec. 29. *Housing Assignment.* – The RDC shall be the principal office tasked  
16                 with the mandate of determining the housing assignment of inmates based on the  
17                 abovementioned principles.

18                 There shall be three (3) housing security levels which will have varying levels  
19                 of control, inmate movement, programs and privileges. Inmates with special physical,  
20                 mental and psychosocial health needs shall be segregated accordingly so as not to  
21                 exacerbate their health condition. Inmates with communicable diseases shall also be  
22                 housed separately in order to prevent an outbreak within the penal facility/

23                 The following are the levels of housing security:

- 24        1. Level I Housing which is designed for inmates with low levels of risk and  
25                 needs based on the principles mentioned in Section 28 hereof. Inmates  
26                 who are nearing the completion of their sentences can also be transferred  
27                 within this level. The programs which will be offered in this level shall be  
28                 geared towards reintegration of inmates upon release;
- 29        2. Level II Housing which is designed for inmates with moderate levels of risk  
30                 and needs based on the principles mentioned in Section 28 hereof. Inmate  
31                 programs offered in this level shall be geared towards social equipping like  
32                 livelihood, education, and prison industries; and

1           3. Level III Housing which is designed for inmates with higher levels of risk  
2           and needs based on the principles mentioned in Section 28 hereof. Inmate  
3           programs offered in this level shall be geared towards cognitive change like  
4           psychotherapy, counselling, and substance detoxification.

5           Sec. 30. *Penal Facility Assignment.* – As much as practicable, PDLs shall be  
6           detained or serve their sentence in the region where they reside at the time of  
7           incarceration.

8           Sec. 31. *Disciplinary Committee.* – There shall be created a Disciplinary  
9           Committee within each penal facility:

- 10          1. The Committee shall be composed of the following:  
11           a. One (1) Chairman who is also the head of the penal facility;  
12           b. Three (3) Disciplinary Officers who are also appointed officers of the  
13           Bureau of Corrections;  
14           c. One (1) representative from the Commission on Human Rights; and  
15           d. One (1) member each from the private sector and the Integrated Bar of  
16           the Philippines.

17          The Committee shall be responsible for investigating the violation of rules  
18           committed by PDLs and recommending appropriate and proportionate sanctions  
19           therefor.

20          Sec. 32. *Allowable In-prison Disciplinary Penalties.* – Upon the finding of  
21           guilt, the following penalties may be imposed by the Disciplinary Committee:

- 22          1. Recommendation for the prosecution for additional offenses;  
23          2. Rendering of prison-support services such as, but not limited to cooking,  
24           cleaning, doing clerical work, running the laundry, or performing  
25           maintenance chores, subject to their physical and mental fitness as  
26           determined by the medical officer;  
27          3. Time credit deductions in the computation of Good Conduct Time  
28           Allowance;  
29          4. Restriction of visiting privileges;  
30          5. Housing reassignment;  
31          6. Prison reassignment; and

1           7. Other similar penalties as may be determined by the disciplinary  
2           committee.

3           No penalty shall be imposed that is more than necessary for the rehabilitation  
4           and reformation of the inmate. In no case shall the disciplinary committee impose  
5           any punishment that is contrary to law.

6           Sec. 33. *Intervention Programs Office.* – There shall be created within each  
7           penal facility an Intervention Office. The Intervention Office shall be responsible for  
8           creating and implementing intervention programs.

9           Sec. 34. *Intervention Programs.* – The intervention programs shall be  
10          designed and targeted for PDLs within the same recidivism risk levels. They may be  
11          any of the following:

- 12         1. *Education and training* – programs designed to give basic and advance  
13           education to PDLs, or provide them with technical skills. BuCor shall  
14           coordinate with the Department of Education, Commission on Higher  
15           Education, and Technical Education and Skills Development Authority for  
16           the design and implementation of these programs.
- 17         2. *Work and productivity* – programs designed to utilize the existing skills  
18           and capabilities of PDLs towards administration of the penal facility or  
19           community service.
- 20         3. *Counselling and self-improvement* – programs designed to provide  
21           continuous counselling services to PDLs to encourage reformation and  
22           self-improvement.

23           Sec. 35. *Intervention Program Credits.* – Participation in intervention  
24          programs shall earn PDLs with Intervention Program Credits equivalent to the hours  
25          spent during such participation. For every six-month period in which the PDL is not  
26          subjected to any disciplinary action or recommended for prosecution for crimes  
27          committed during the service of sentence, the Intervention Programs Office shall  
28          recommend to the Parole and Probation Administration (DOJ-PPA) a reduction in  
29          sentence equivalent to the Intervention Program Credits earned during such period.

30           However, PDLs who are convicted of crimes involving moral turpitude may  
31          not be recommended for sentence reduction until after they have served half of the  
32          minimum period of their prison sentence. Upon completion of the said period, the

1 Intervention Programs Office may recommend a reduction in sentence equivalent to  
2 half of the Intervention Programs Credits earned, provided that the PDL was not  
3 subjected to more than one disciplinary action per year, or recommended for  
4 prosecution for crimes committed during the service of sentence, during the said  
5 period.

6 The Intervention Program Credit system shall be without prejudice to the  
7 existing system granting allowance for good behavior.

8 *Sec. 36. Risk Reassessments and Level Adjustment.* – PDLs who successfully  
9 participate in intervention programs or productive activities shall receive periodic  
10 risk reassessments not less than annually, and PDLs determined to be at high  
11 recidivism risk level and who have less than five (5) years until their projected release  
12 date shall receive more frequent risk reassessments. The Intervention Program  
13 Office shall adjust the intervention programs for PDLs with high recidivism risk  
14 levels.

15 *Sec. 37. Provision of Adequate and Holistic Healthcare for PDLs.* – Health  
16 programs for physical and mental health shall be established by the BuCor and the  
17 BJMP.

18 There shall be created in every penal institution a Medical Support Office  
19 (MSO). This Office shall be in charge of ensuring that medical service, the  
20 psychosocial support and other counselling services shall be made available to the  
21 PDLs.

22 The MSO shall, in partnership with the Department of Health (DOH) and the  
23 National Center for Mental Health (NCMH), provide free mental health counselling,  
24 education and evaluation to any prisoner. These services shall be made available to  
25 them upon the entry of the prisoner in the penal institution and until after the lapse  
26 of one (1) year from the time he or she departs from the penal institution when he or  
27 she has secured release through an acquittal, service and expiration of sentence,  
28 grant of parole, commutations, reprieves and other forms of executive clemency, or  
29 through the order of competent authority.

30 The MSO shall provide them with family-centered programs that focus on  
31 family strengthening activities and nurturing of family relationships, during  
32 incarceration and following release. Services that will help prisoners cultivate

1 insights to prevent recidivism shall also be made available to them. Within six (6)  
2 months prior to the date of his or her release, the MSO shall craft a program that will  
3 prepare the prisoner for his or her release and eventual reintegration into his or her  
4 family, into his or her community, and into society.

5 The spouse and children of the prisoners shall likewise be entitled to the  
6 psychosocial support and counselling services benefits granted under this Section.  
7 They shall also be provided with free psychosocial support and other counselling  
8 services that will assist them in coping with the changes brought about by the  
9 incarceration. The MSO shall, within six (6) months prior to the date of the  
10 prisoner's release, help them prepare for the return of the prisoner to their family.  
11 These services may be continuously availed of until after the lapse of one (1) year  
12 from the time of the prisoner's release.

13 Sec. 38. *In-facility Employment*. – There shall be created in every penal  
14 institution a Prison Revenue Office (PRO) which shall be in charge of  
15 institutionalizing revenue generating programs. The PRO shall encourage interested  
16 prisoners to participate in the Prisoner Employment Program (PEP). Through the  
17 PEP, qualified prisoners will be provided with opportunities to engage in meaningful  
18 and sustainable paid employment, work experience and vocational training inside  
19 the penal institution. The PRO shall also encourage interested employers to become  
20 involved in the PEP, upon compliance with requirements to be determined by the  
21 PRO.

22 The PRO shall, in coordination with TESDA, formulate and establish income  
23 generating programs that will allow qualified prisoners (a) to receive reasonable  
24 compensation for the work thus performed, and (b) to gain an employment  
25 certification that will reflect their employment record.

26 The PRO shall establish a savings program with government accredited  
27 banking institutions which may be availed of by qualified PDLs.

28 Sec. 39. *Post-Prison Employment*. – There shall be created in every penal  
29 institution a Job Assistance Office (JAO). Without prejudice to other existing  
30 government employment programs, the JAO shall, together with the Department of  
31 Labor and Employment (DOLE), establish and maintain a Post-Prison Employment  
32 Program (PPEP) that will raise awareness regarding available job opportunities

1 which a prisoner may avail upon release. The JAO shall encourage private sector  
2 participation by proposing incentives and privileges to private business  
3 establishments that will open job opportunities to former prisoners. The JAO shall  
4 ensure that the job opportunities, both in the public and private sectors, shall not  
5 create undue and unlawful discrimination against former prisoners seeking  
6 employment.

7        Sec. 40. *PPEP Tax Credit.* – Employers who shall participate in the Post-  
8 Prison Employment Program (PPEP) upon the effectivity of this Act, shall be entitled  
9 to an additional deduction from their gross income, equivalent to fifteen percent  
10 (15%) of the total amount paid as salaries and wages to former prisoners, subject to  
11 Section 4 of the National Internal Revenue Code for a period of five (5) years from  
12 the time of employment or until such employment is terminated, whichever is  
13 shorter.

14        Any company or individual who has hired a former prisoner within five (5)  
15 years from his or her release, is entitled to avail of tax credit granted under this Act.  
16 The said tax credit should be collected immediately on the next tax period.

17        Sec. 41. *Housing Assistance Office.* – There shall be created in every penal  
18 institution a Housing Assistance Office (HAO). The HAO shall be in charge of  
19 providing assistance in the finding of affordable and stable housing or temporary  
20 housing facility, to a former prisoner who is seeking re-entry into the society after  
21 having secured an acquittal on appeal, or having served the full term of his or her  
22 sentence, or having been granted commutations and reprieves, without prejudice to  
23 other existing government housing programs.

24        Without prejudice to other existing government housing programs, the HAO  
25 together with the National Housing Authority (NHA) and the Department of Social  
26 Welfare and Development (DSWD), shall provide assistance in the finding of  
27 affordable and stable housing or temporary housing facility to a prisoner within six  
28 (6) months prior to the date of his or her release, and after the lapse of one (1) year  
29 from the time he or she departs from the penal institution.

30        The HAO shall (1) assess the prisoner's housing needs or requirements, (2)  
31 provide accurate information about housing resources available in his or her area, (3)

1 assist with the application process, and (4) make follow-ups to evaluate the  
2 conditions of the prisoner in his or her new home.

3            Sec. 42. *Identification Process.* – The Bureau of Corrections shall identify  
4 prisoners who are eligible for release within six (6) months. Information gathered  
5 shall then be related to the HAO and the JAO to facilitate their enrollment in the  
6 respective programs of the said offices. Once identified as eligible for the available  
7 programs, prisoners shall be given the option to enrol and consent to be part thereof.

## **Chapter VI**

### **Prohibited Acts**

10            Sec. 43. *Prohibited Acts and Penalty.* – The following acts are hereby  
11 prohibited:

- 12        1. Affording privileged treatment to PDLs such as provision for amenities  
13                  different from those given to other prisoners similarly situated without  
14                  valid order from DOJ or from appropriate courts;  
15        2. Placing PDLs in secret detention places, solitary, incommunicado, or other  
16                  similar situations;  
17        3. Use of PDLs for personal or criminal purposes; and  
18        4. Negligence or willful refusal to check and reveal the status of a PDL upon a  
19                  valid demand by the PDL or any of his representatives.

20 The penalty of *prisión correccional* shall be imposed for violation of this  
21 Section together with the accessory penalty of temporary absolute disqualification  
22 from public office or employment.

## **Chapter VII**

### **Final Provisions**

25 Sec. 44. *Implementing Rules and Regulations.* – Within one hundred and  
26 twenty (120) days from the effectivity of this Act, the DOJ and BuCor together with  
27 TESDA, DOH, NEDA, DOLE, NHA and DSWD, shall promulgate the Implementing  
28 Rules and Regulations (IRR).

29 Sec. 45. *Appropriations.* – Such amounts as may be necessary to carry out the  
30 provisions of this Act shall be included in the Annual General Appropriations Act.

1        Sec. 46. *Separability Clause.* – If, for any reason, any section or provision of  
2 this Act is declared unconstitutional or invalid, the other sections or provisions which  
3 are not affected shall continue to be in full force and effect.

4        Sec. 47. *Repealing Clause.* – All laws, decrees, executive orders, proclamations,  
5 rules and regulations or parts thereof which are inconsistent herewith are repealed,  
6 amended, or modified accordingly.

7        Sec. 48. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
8 publication in the Official Gazette or in a newspaper of general circulation.

Approved,