

Correction and the Criminal Justice System

The Criminal Justice System is the machinery of any government in the control and prevention of crimes and criminality. It is composed of the pillars of justice such as: the Law Enforcement Pillar (Police), the Prosecution Pillar, the Court Pillar, the Correction Pillar, and the Community Pillar.

Correction as one of the pillars of Criminal Justice System is considered as the weakest pillar. This is because of its failure to deter individuals in committing crimes as well as the reformation of inmates. This is evident in the increasing number of inmates in jails or prisons. Hence, the need of prison management is necessary to rehabilitate inmates and transform them to become law-abiding citizens after their release.

Correction is the fourth pillar of the criminal justice system. This pillar takes over once the accused, after having been found guilty, is meted out the penalty for the crime he committed. He can apply for probation or he could be turned over to a non-institutional or institutional agency or facility for custodial treatment and rehabilitation. The offender could avail of the benefits of parole or executive clemency once he has served the minimum period of his sentence.

When the penalty is imprisonment, the sentence is carried out either in the municipal, provincial or national penitentiary depending on the length of the sentence meted out.

13th Century – Securing Sanctuary

In the 13th C, a criminal could avoid punishment by claiming refugee in a church for a period of 40 days at the end of which time he has compelled to leave the realm by a road or path assigned to him.

1468 (England) – Torture as a form of punishment became prevalent.

16th Century – Transportation of criminals in England, was authorized. At the end of the 16th C, Russia and other European Countries followed this system. It partially relieved overcrowding of prisons. Transportation was abandoned in 1835.

17th C to late 18th C – Death Penalty became prevalent as a form of punishment.

GAOLS- (Jails) – pretrial detention facilities operated by English Sheriff.

Galleys – long, low, narrow, single decked ships propelled by sails, usually rowed by criminals. A type of ship used for transportation of criminals in the 16th century.

Hulks – decrepit transport, former warships used to house prisoners in the 18th and 19th century. These were abandoned warships converted into prisons as means of relieving congestion of prisoners. They were also called “floating hells”.

1. Babylonian and Sumerian Codes

a. **Code of King Hammurabi (Hammurabic Code)** – Babylon, about 1990 BC, credited as the oldest code prescribing savage punishment, but in fact, Sumerian codes were nearly one hundred years older.

2. Roman and Greek Codes

a. **Justinian Code**– 6th C A.D., Emperor Justinian of Rome wrote his code of law.

An effort to match a desirable amount of punishment to all possible crimes. However, the law did not survive due to the fall of the Roman Empire but left a foundation of Western legal codes.

* The Twelve Tables (XII Tabulae), (451-450 BC) – represented the earliest codification of Roman law incorporated into the Justinian Code. It is the foundation of all public and private law of the Romans until the time of Justinian. It is also a collection of legal principles engraved on metal tablets and set up on the forum.

b. **Greek Code of Draco** – In Greece, the Code of Draco, a harsh code that provides the same punishment for both citizens and the slaves as it incorporates primitive concepts (Vengeance, Blood Feuds).

* The Greeks were the first society to allow any citizen to prosecute the offender in the name of the injured party.

3. **The Burgundian Code (500 A.D)** – specified punishment according to the social class of offenders, dividing them into: nobles, middle class and lower class and specifying the value of the life of each person according to social status.

NATURE AND TRENDS OF PUNISHMENT

Punishment is a means of social control. It is a device to cause people to become cohesive and to induce conformity. People believe that punishment is effective as a means of social control but this belief is doubtful. There is no question, however, that some forms of punishment are more effective in one society than in another. For example punishment in a small well-ordered community, where people practically know everybody, is more effective in inducing conformity than in a highly mobile metropolitan city.

The general concept of punishment is that it is infliction of some sort of pain on the offender for violating the law. This definition is not complete in the sense that it does not mention the condition under which punishment is administered or applied. In the legal sense, it is more individual redress, or personal revenge. Punishment, therefore, is defined as the **redress that the state takes against an offending member.**

Forms of Punishment

The forms of punishment in primitive society were:

1. Death penalty
2. Corporal punishment
3. Public humiliation and shaming
4. Banishment.

Death penalty was carried out by

1. hanging
2. burning
3. immersing in boiling oil
4. feeding to wild animals
5. other barbaric ways.

Corporal punishment was inflicted the offender by

1. Flogging
2. Mutilation
3. Disfiguration
4. Maiming.

Public humiliation and shaming were effected by

1. the use of stocks and pillory
2. docking stool
3. Bilboes
4. Brank
5. Scarlet Letter
6. Scavengers Daughter
7. Rack, etc.

Retribution – personal vengeance

Expiation or Atonement – Group vengeance

Corrective justice - punishment is a means of restoring the balance between pleasure and pain

Goals of Sentencing

1. Retribution – is the act of taking revenge upon a criminal perpetrator.
2. Incapacitation – is the use of imprisonment or other means to reduce the likelihood that an offender will be capable of committing future offenses.
3. Deterrence – is a means, which seeks to prevent others from committing crimes or repeating criminality.
4. Rehabilitation – is the attempt to reform a criminal offender, the state in which a reformed offender is said to be rehabilitated.
5. Restoration – a goal of which attempts to make the victim whole again.

The Concept of Penalty

Penalty in its general sense signifies pain, in the juridical sphere; it means suffering undergone, because of the action of society to one who commits a crime.

The very purpose or reason why society has to punish a criminal is to secure justice. The society or state has to protect its existence, assert what is right for the people based on moral principles, which must be vindicated. The giving of punishment, which is exercised by society, is the fulfillment of service and satisfaction of a duty to the people it protects.

Social Justification of Penalty

1. Prevention – the state must punish the criminal or prevent or suppress the danger to the state arising from the criminal acts of the offender.
2. Self-defense – the state has a right to punish the criminal as a measure of self-defense so as to protect society from the threat and wrong inflicted by the criminal.
3. Reformation – the object of punishment in criminal cases is to correct and reform the offender.
4. Exemplarity – the criminal is punished by the state as an act to deter others from committing crimes.
5. Justice – that crime must be punished by the state as an act of retributive justice, a vindication of absolute right and moral violated by the criminal.

Purpose of Penalty

1. Retribution or Expiation – the penalty is commensurate with the gravity for the offense as a matter of payment for the damage done.
2. Correction or Reformation – as shown by the rules which regulates the execution of the penalties consisting in deprivation of liberty thereby giving chance for his reformation.
3. Social Defense – as shown by its inflexible severity to recidivist and habitual delinquents. Society must provide the welfare of the people against any disorder in the community.

Juridical Conditions of Penalty

1. The penalty must be productive of suffering without affecting the integrity of the human personality.
2. the penalty must be commensurate with the offense, that different crimes must be punished with different penalties.
3. The penalty must be personal in that no one should be punished for the crime of another.
4. The penalty must be legal, that it is the consequence of a judgment according to law.
5. The penalty must be certain, that no one escape its effects.
6. The penalty must be equal for all.
7. The penalty must be correctional.

18th Century is a century of change. It is the period of recognizing human dignity. It is the movement of reformation, the period of introduction of certain reforms in the correctional field by certain person, gradually changing the old positive philosophy of punishment to a more humane treatment of prisoners with innovational programs.

The Pioneers:

1. William Penn (1614-1718)

- He fought for religious freedom and individual rights.
 - He is the first leader to prescribe imprisonment as correctional treatment for major offenders.
 - He is also responsible for the abolition of death penalty and torture as a form of punishment.

2. Charles Montesquieu (Charles Louis Secondat, Baron de la Brede et de Montesquieu)

- (1689- 1755) A French historian and philosopher who analyzed law as an expression of justice. He believe that harsh punishment would undermine morality and that appealing to moral sentiments as a better means of preventing crime.

3. VOLTAIRE (Francois Marie Arouet)

- (1694- 1778) He was the most versatile of all philosophers during this period. He believes that fear of shame was a deterrent to crime. He fought the legality-sanctioned practice of torture.

4. Cesare Bonesana, Marchese de Beccaria (1738-1794)

- He wrote an essay entitled "An Essay on Crimes and Punishment", the most exiting essay on law during this century. It presented the humanistic goal of law.

5. Jeremy Bentham (1748-1832) – the greatest leader in the reform of English Criminal law. He believes that whatever punishment designed to negate whatever pleasure or gain the criminal derives from crime, the crime rate would go down.

- Bentham was the one who devise the ultimate PANOPTICAN PRISON – a prison that consists of a large circular building containing multi cells around the periphery. It was never built.

6. John Howard (1726 – 1790) – the sheriff of Bedfordshire in 1773 who devoted his life and fortune to prison reform. After his findings on English Prisons, he recommended the following: single cells for sleeping - segregation of women - segregation of youth - provision of sanitation facilities - abolition of fee system by which jailers obtained money from prisoners.

The Reformatory Movement

There was no significant progress in prison work worth mentioning until the middle of the 19th century. Most of the prisons established between 1819 and 1870 were constructed on the basis of a program espousing the punitive philosophy, the features of which were mass treatment, enforced silenced, idleness, regimented rules and severe punishment.

In Europe, several penal administrators can be mentioned as among those who contributed to the progressive development of the reformatory system. **Manuel Montesinos**, who was the Director of the prisons of Valencia, Spain, in 1835, divided prisoners into companies and appointed prisoners as petty officers in charge. Academic classes of one hour a day were given all inmates under 20 years of age.

Domets of France established an agricultural colony for delinquent boys in 1839. The boys were housed in cottages with house fathers as incharge. The system was based on re-education rather than force. When discharge the boys were placed under the supervision of a patron.

In England, **Alexander Maconochie**, superintendent of penal colony at Norfolk Island in Australia, introduced a progressive humane system to substitute for corporal punishment – the **Mark System**. When a prisoner earned a required number of marks, he was given his ticket of leave, which is the equivalent of parole. Maconochie introduced several other progressive measures, which aimed at rehabilitating prisoners. He introduced fair disciplinary trials, built churches, distributed books, allowed plays to be staged, and permitted prisoners to tend small gardens. For his progressive administration of prisoners, Maconochie should be considered one of the fathers of modern penology. Maconochie is considered the "**Father of Parole System**".

One of the most famous contributors to the reformatory movement was **Sir Walter Crofton**, Chairman of the Directors of Irish prisons. In 1856, Crofton introduced the **Irish System**, similar with that of Maconochie's Mark System, latter on called the progressive stage system. The first stage of the Irish system was solitary confinement for nine months at a certain prison. The prisoners at this stage were given reduced diet and allowed monotonous work. The prisoners progress to a more interesting work, some education, and better treatment toward the end of the first stage. The second stage was an assignment to the public works at Spike Island. The prisoner worked his promotion through a series of the grades, according to a mark system, and wore a badge of distinction to show his status. The purpose of the mark system and the progression through grades was to shorten the length of stay. In the third stage the prisoner was sent to Lusk or Smithfield. Which was a sort of preparation for release. Here, the prisoner without custodial supervision and was exposed to ordinary temptations of freedom. The final stage was the release on supervision under conditions equivalent to present day parole. The important then to remember in the Irish system is that Crofton attempted to place the responsibility for self-improvement on the prisoner himself through successive stages.

In 1876, the **New York State Reformatory at Elmira** opened with **Zebulon Reed Brockway** as superintendent. Brockway introduced in Elmira a new institutional program for boys from 16 to 30 years of age. The new prisoner was classified as second grade and was promoted to first grade after six months of good behavior. Another six months of good

behavior in the first grade qualified him for parole. If the prisoner committed a missed conduct he was demoted to third grade where he was required to show good conduct for one month before he could be reclassified to second grade. **The Elmira system** was based on the indeterminate sentence and parole. Elmira had all the elements of modern correctional system, so that this institution is often referred to as the **forerunner of modern penology**.

In England, Sir **Evelyn RugglesBrise**, Director of English prisons, after visiting Elmira in 1897, open a **Borstal Institution** near Rochedi, in Kent. The **Borstal Institution** of England is today considered **best reform institutions for young offenders**.

A Golden Age of Penology

The period from 1870 to 1880 was called the **"Golden Age of Penology"** because of the following significant events:

1. In 1870, the **National Prison Association**, now American Correctional Association, was organized and its first annual Congress was held in Cincinnati, Ohio. In this Congress the Association adopted a "Declaration of Principles," so modern, comprehensive in scope that when it was revised in the prison Congress of 1933, few amendments were made. Since founding the Association has held annual congresses of corrections in has taken active leadership in reform movements in the field of crime prevention and treatment of offenders.
2. In 1872, the first **International Prison Congress** was held in London. Representative of the government of the United States and European countries attended it. As a result of this congress, the **International Penal and Penitentiary Commission**, an inter-governmental organization was established in 1875 with head quarters at The Hague. The IPPC held international congresses every five years. In 1950, the IPPC was dissolved in its functions were transferred to the Social Defense Section of the United Nations.
3. **The Elmira Reformatory**, which was considered as the forerunner of modern penology, was opened in Elmira, New York in 1876. The figures of Elmira were a training school type of institutional program, social casework in the institution, and extensive of parole.
4. The first separate **institutions for women** were established in Indiana and Massachusetts.

The Decline of the Reformatory Movement

The Reformatory system movement subsided gradually following the opening of Elmira because of the founders' lack of faith in the effectiveness of the program. The defect of the system was laid on the lack of attempt to study criminal behavior from which to base treatment. By 1910, it was generally conceded that the reformatory system of the United States was a failure in practice. It was not until 1930 that the reformatory idea was revived as the direct result of the revamp of the educational program of the Elmira Reformatory.

The Diversified State System and the Single Institution

1. **Diversification by Age** – It is generally accepted practice that boys and girls under the age of 18 should be segregated from the older group. Special institutions or reformatories have been developed for the age group from 17 to 25 or 30. The older group should probably be classified on the basis of factors other than age, with one possible exception, that is, that a special institution for the aged, infirm and non-employable prisoners may constitute a special institution.
2. **Diversification by Sex** – There is a general agreement on the principle that women prisoners should be kept in special buildings located on the same site with the men's prison, in some cases, on top floor the administration building, and similar unsatisfactory arrangement.
3. **Diversification by Degree of custody** – Correctional institutions are mostly diversified on the basis of degree of custody, among which are the following:
 - a. **Super Security Facility** - A small portion of any prison population consists of incorrigibles, recidivists, escape artists, and chronic troublemakers. This category of prisoners should be confined in a unit or institution separate from the general population. The number, usually does not constitute 10% of the whole population, is small so as not to justify their confinement in a separate prison. Ideally they should be confined in a super maximum type of prison, like **Alcatraz**, where escape is quite impossible. However, the expense of maintaining an Alcatraz type of institution is great, considering the need for heavy custodial restraints and a small employee-prisoner ratio to control this type of prisoners. A few years ago, the Federal government abandoned Alcatraz because the operating cost is prohibitive and the philosophy of the program is considered inhuman. It is more practical therefore to build a super security unit within a maximum prison for the incorrigibles and troublemakers.
 - b. **The Maximum Security Institution** - This type of institution is characterized by thick all enclosures, 18 to 25 feet high. On top of the wall are catwalks along which the guards patrol at night. At corners and strategic places are tower posts manned by heavily armed guards. The housing units within the walls are of the interior cell block type. Prisoners confined in this type of institution are not allowed to work outside the institutions but are assigned to industrial shops within the prison compound.
 - c. **The medium Security Institution** - This type of institution is usually enclosed by two layers of wire fence. The inner fence is 12 to 14 feet high with curb and the outer fence is 8 to 12 feet high. The two fences are from 18 to 20 feet apart. Usually the top portion of the fence is provided with barbed wire. The perimeter fence requires a minimum number of personnel to guard it. The housing units consist of outer single cells,

honor rooms, squad rooms and dormitories. The inmates may be allowed to work outside the fence under guard escorts.

- d. **The Minimum Security Institution** - This type of institution is usually without a fence, and if there is one, its purpose is to keep away the civilian population from entering the institution rather than preventing escapes. There are no bars or keys to dormitories or armed guards within the institution. The housing units are composed of dormitories requiring little or no supervision by correctional workers. The United Nations Congresses held in Stockholm and in London in 1960 and 1965 passed resolutions urging more use of open institutions than in maximum or medium security institutions.
 - e. **The Special Security Facility** - About two percent of an unselected prison population will consists of incorrigibles, intractable, and dangerous persons who are so difficult to manager that they are a source of constant disturbance and difficulty even in the typical maximum security institution. They are so few in number that even in a big prison system it is not feasible to put up a special institution for them. The need for heavy custodial restraints in a maximum custody prison, calls for a large employee-inmate ratio. The smallness of the institution makes operating costs prohibitive. The normal, practical solution is to build a special security facility within the confines of the maximum institution. The facility within the larger institution should be located and constructed in such away that any general disturbance within the building will not tend to excite or inflame the general population
4. **Diversification of Institutions by Medical or Mental Conditions** - Numerous medical and mental conditions among an unselected prison population call for specialized housing and program. Examples of these are the psychotics, the extreme psycho-neurotics with psychotic episodes, the sex offender or sex deviate, the tuberculosis prisoners, and others requiring continued long-term treatment for chronic conditions. The custodial features of an institution for the medically infirm prisoners should be varied to meet the needs of the different types of prisoners to be accommodated. There will be at least one maximum-security building, various grades of medium security, and some minimum. The general tone of the institution will be that of a hospital with medium security features.

Size of Institution

The United Nations Standard Minimum Rules for the treatment of offenders prescribes that penal institution should not exceed **1,200 inmates**. Smaller institutions should however not be too small as to make operating cost too expensive.

THE PHASES OF CLASSIFICATION PROCESS

1. Diagnosis

The prisoners must undergo a diagnostic examination, study and observation for the purpose of determining the program of treatment and training best suited to their needs and the institution to which they should be transferred. These processes take place in the Reception & Diagnostic Center within-the first (60) sixty days of their commitment to prison.

2. Treatment planning

The treatment of inmates is based upon careful study of the individual inmate at the time of commitment; the improvement of institutional programs based on close study of inmate's characteristics and needs made at the Center.

3. Execution of the treatment program

4. Re-classification

The prisoner appears before the Classification Committee periodically after his initial classification to keep current his treatment and training program. Human personality and behavior are constantly changing and it is essential that the inmate's program be correspondingly adjusted in accordance with his changing needs. The Classification committee, through constant reclassification of the prisoner, attempts to maintain continuity and integration of the various institutional services. Reclassification is necessary to assure that individual needs are not overlooked, and it must continue from the time of admission classification until the inmate is released.

The RDC Staff and their Functions

Psychiatrist — examines the prisoner and prepares an abstract of his findings. The abstract includes a brief statement of the mental and emotional make-up of the individual with particular reference to abnormalities of the nervous system and the presence of psychoses, psychopathic behavior, neurotic tendencies, paranoid trends and other special abnormalities. The psychiatrist makes a recommendation with regard to custody and transfer and calls attention to any special conditions which limit or indicate special type of work, educational training, recreation or disciplinary treatment.

Psychologist — interviews the man and administers tests. The psychological abstract presents a statement of the psychologist's findings with regard to the mental level, general and special abilities, interests and skills of the prisoner. The outstanding factors contributing to the maladjustment of the individual are pointed out. A prognosis for institutional and parole adjustment based on the inmate's attitudes, characteristics and peculiarities is included. In this abstract, the psychologist makes his recommendation with regard to custody, transfer and general education and further study and treatment of the man.

Sociologist — the prisoner is interviewed by the sociologist. Additional information is obtained through correspondence with the prisoner's friends, relatives, and social agencies. The objective facts of the personal history of the inmate are recorded in the social abstract, which also includes an analysis and interpretation of the individual's social situation and relationships.

Education Officer or Counselor — the prisoner is interviewed by the educational officer in order to determine his educational strengths and weaknesses and to recommend suitable educational program for him. He conducts orientation classes in general education in order to change the inmate's attitudes toward education. He gives counsel to inmates found wanting in educational needs. He prepares a report of every inmate on general education as part of the case summary of the inmate.

Vocational Counselor — the vocational counselor, by interview, obtains a record of the man's former employment and tests the man to determine his general and special abilities, interests and skills. The results comprise the vocational abstract and recommendations are set forth with regard to the types of vocational training which should be made available to the inmate during his incarceration.

The Chaplain - The inmate is interviewed by the Chaplain and he is encouraged to participate in religious worship. The Chaplain's abstract states the religious affiliation of the prisoner and gives his opinion as to the significance of the inmate's religious attitudes in determining his conduct. The Chaplain makes recommendations with regard to further religious training.

Medical Officer — a complete physical examination is given each inmate at which time his medical history is obtained. The examination covers the major organs of the body, such as the lungs and the heart, and includes tests of the blood and sense organs. The doctor correlates the patient's previous health history with present findings in the medical history and physical examination, plus recommendation for medical treatment.

Custodial-Correctional Officer — the Chief of the correctional unit prepares the custodial officer's abstract which includes all significant observations made by the correctional officers of the inmate's behavior and interactions to various situations in the dormitory, place of recreation, work assignments, etc. The report includes the custodial officer's recommendations on transfer and type of custody of the prisoner.

Admission Procedures

New prisoners are received either in the reception center or in a prison and later to transfer to the center. The new prisoner usually comes from a provincial or city jail where he is immediately committed upon conviction by the court. He is transferred to the National Prison escorted by guards of the committing jail. On arrival at the Reception Center or prison, the following procedures are followed:

Checking of commitment papers if they are in order - A commitment paper is in order if it bears the signature of the judge, or if it has the signature of the Clerk of Court and seal of the court. The next step is to establish the identity of the prisoner in order to be sure that the person being committed is the same person named in the commitment order. The identity is established through the picture and the fingerprint of the prisoner appearing on the commitment order.

Searching the Prisoner — after the commitment papers are checked and the identity of the prisoner established, the new prisoner is "frisked" and his personal things searched. Weapons and other items of contraband are confiscated and deposited with the property custodian. Money, watches, rings and other pieces of jewelry are deposited with the trust fund officer under proper recordings and receipts.

Issuance of Clothes and Equipment - from the receiving office, the new prisoner goes to the supply room where he receives his prison uniform, mosquito net and beddings.

Assignment to Quarters - after the prisoner is issued his clothing's and beddings, he is sent to the quarantine unit. The quarantine may be a unit of the prison or a section of the Reception Center.

The Quarantine Unit - The new prisoner spends from 7 to 10 days in the quarantine unit. During this period he is given thorough physical examination including blood test, x-rays, inoculations and vaccinations. One purpose of the quarantine is to insure that the prisoner is not suffering from any contagious disease. The results of the examination are submitted to the Chief of the Center in written form. This report forms part of the diagnostic record of the prisoner.

Orientation Procedures

The initial contacts of the prisoner with the Center are very meaningful. The first impressions received by him may affect his entire institutional adjustment.

The orientation of the prisoners takes place within the first few days in the Center. It consists of giving them a booklet of rules and regulations and explaining the rules to them; conducting group meetings of Center inmates to explain the purposes of the treatment programs; holding sessions with the Chief and individual members of the Center staff to explain the basic purpose of the Center and what the inmates should do in order to profit from their experiences.

Testing Programs

In order that each staff member can profit from psychological test results, group testing of inmates should be scheduled one or two weeks after arrival. Psychiatric examinations should also be given early during the stay of the inmate because the psychiatric analysis of the personality of the inmate is very valuable to the rest of the staff.

Program Activities

The Staff Conference

When the prisoner is through with all tests, interviews and examinations, he is ready "for the staff conference, sometimes called "guidance conference or "case conference". The inmate appears before the Center's staff in conference to plan out with him his tentative program of treatment and training. Every member of the staff gives an oral summary of his findings and his recommendation on what to do with the prisoner pertaining to his field. For example, the vocational counselor informs the body of what vocational tests given him, and the counselor's recommendation on what job training is

appropriate for the prisoner to learn in prison. After every staff has-given his report the body votes on what-program of activities the prisoner should undergo, including institutional training, recreational program, religious program-medical and psychiatric services and social service.

The Admission Summary

The written reports submitted by the staff, of the center regarding their findings on-the prisoners are compiled, and form the admission summary: The admission summary-becomes the, nucleus of the cumulative case history of the prisoner. The admission summary consists of the following:

1. An account of the legal aspects of the case. In addition to citations from the summaries of the reports, of law enforcement, judicial, and other officials, this may contain an explanation by the inmate of how he got into trouble;
2. A summary of the man's earlier criminal history. If he has previously been in a juvenile or an adult correctional institution, reports from these places contain information regarding his program therein and related facts about his attitudes and behavior;
3. Social history, or the man's biography as a person, based upon the probation report or field investigation, staff interviews, tests, examinations, and other staff observations. This may also be provided or amplified by his family or friends, former employers, and others who may assist through interviews or answers to questionnaires;
4. Physical condition;
5. Vocational interests, competence and experience;
6. Educational status;
7. Religious background and interest;
8. Recreational interest;
9. Psychological characteristics evaluated by the psychiatrist and the psychologist;
10. Behavior in the Reception Center, reported by the custodial staff;
11. Initial reaction to group psychotherapy or group counseling or other forms of treatment.

From the above interview and counseling situations, data are obtained from the inmate's standpoint, that is, the man's own story, as well as from other persons. The admission summary becomes a practical document when the final page is devoted to a listing of recommendations in the above areas of diagnostic study for the inmate's institutional and parole program.

Most correctional systems have found it advisable to prepare a master stencil of the admission summary from which additional copies may be made through a duplicating process. Copies are required not only for the classification committee but also after the reception period for the central office of the prison system, and still later for the parole agency. Requests for copies of the case history may also come from other institutions or appropriate community agencies.

Usually the cover page of the admission summary contains the summary of recommendations of the Center in the above eleven areas of diagnostic study for the inmate's institutional and parole program.

The admission summary is prepared in at least three copies, and distributed as follows: one copy goes with the prisoner whichever prison he is confined; one copy goes to the Central record system of the Bureau; and one copy remains with the Reception and Diagnostic Center. The admission summary is used by the Classification committee as guide in carrying out the rehabilitation program of the prisoner in the operating institution; and by the parole office as guide in parole program planning and parole supervision.

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Transfer Out of the Center

When the admission summary is completed, it is forwarded to the Director of Prisons for approval of the tentative program prepared for the prisoner, after which the prisoner is then transferred to the operating institution.

Interpretation to the Prisoner

Just prior to transfer the inmates should be interviewed, either individually or in groups. This interview should make clear to the individual some of the reasons why he is being transferred to a particular institution and what will be expected to him there. The essential findings of the center, as well as the recommendations made for his program, should be interpreted to the inmate. He should, however, be made to realize that there may have to be some changes in his program. For example, occasionally his assignment to an activity in which he is interested may have to be postponed owing to lack of facilities in the institution.

The final interview is much more effective when it is done on an individual basis. In spite of the time required, this should, if possible, be done. Through the individual interview, the man may get a much clearer picture of what the reception center has found out in his case and be helped to recognize his own responsibility for making a satisfactory adjustment in preparation for release. In some correctional systems, the interview with the individual to discuss the findings of the reception center in his case is carried out at the time of initial classification in the transfer institution.

The Operating Institution

The prisoner is transferred from the Reception and Diagnostic Center to the operating institution with a tentative plan of treatment already prepared. The treatment plan is contained in the Admission Summary which is sent to the Classification and Treatment Division of the prison for implementation. On his arrival in the operating institution, the prisoner goes to the General Service or Orientation Unit where he is temporarily quartered pending his permanent residence assignment by the Classification Board. The stay of the prisoner in the general service unit is a sort of orientation period for him. He is given lectures on the rules and regulations; and he is assigned to different work projects to afford him various experiences which will guide him in the choice of a permanent vocational program.

The Classification Committee

Every prison or correctional institution has a classification committee which carries out the treatment and training plan of the prisoner. The committee is composed of the following:

The Warden or Superintendent – Chairman
 Deputy Warden for Custody - Asst. Chairman
 Deputy Warden for Classification and Treatment – Member
 Production Manager – Member
 Chief, Medical Services – Member
 Chaplain – Member
 Psychologists or Psychiatrist - Member

The personnel of the Classification Committee, as may be noted above, are the division heads and specialists who are primarily concerned with diagnosis, training, treatment and custody of inmates.

The Admission Classification Meeting

The purpose of the admission classification, sometimes called initial classification meeting is to plan a program for and with the inmate, which will be realistically directed toward his rehabilitation. The admission classification meeting takes place shortly after the inmate's transfer to the institution from the Reception Center. A member of the Committee, usually the caseworker summarizes the diagnostic material, which is the Admission Summary, prepared by the Reception Center, and presents the important factors to be considered in program planning. Usually the prisoner; appears before the Committee so he can be available for interview and consultation regarding major decisions to be made by the Classification Committee on his assignments. The Committee decisions cover, all-important phases of the inmates' life in the institution. The principal decisions are as follows:

1. Custody classification - this usually determines the type of supervision and the type of restriction under which an inmate live
2. Housing - inside or outside cell, squad room, or dormitory
3. Transfer - does the prisoner properly belong to this institution or is there another institution in the system where he would be suitably confined?
4. Medical and Psychiatric treatment
5. Occupational or vocational training assignment.
 8. General education program
 9. Casework and social services.
 10. Religious and recreational recommendations.

The Classification Committee considers and reaches at least tentative agreements on the profile and traits of the prisoner with which institutional personnel who are to supervise him should be familiarized. A summary of this information and suggestion and precautions as to his supervisions is often furnished the personnel who will be in regular contact with him on the job, in quarters, in the recreation program, school, or in other areas of institutional life.

The Cumulative Case Summary

In pursuing the individualized or casework method of carrying out the treatment program of the prisoners, it is essential that a cumulative summary be maintained for each individual. The inmate's cumulative summary starts from the admission report and submitted by department heads of the prisoner's adjustment to his assignments. Every significant change of status or program concerning the prisoner is entered in the cumulative case summary. This record serves as the basis for determining the prisoner's fitness for release on parole.

Classification Procedures Immediately

Prior to Parole or Release - When the prisoner has already served the minimum or a considerable portion of his sentence and that his records show successful adjustment to his treatment program, he is scheduled to appear before the classification committee for pre-parole interview. The purpose of this meeting is to enable the Committee to evaluate the inmate's readiness for parole and to plan out with him his program on parole. It may turn out that the inmate at this time is not yet ready for parole, in which case the Board sets another date for the next pre-parole interview. If the inmate's case is favorable, the committee then prepares the pre-parole report and recommends him to the Board of Pardons & Parole for release on parole. The pre-parole report is sometimes called the pre-releases progress report. This report outlines the treatment program of the parolee. Certain rather specific suggestions may be made in regard to the inmate's remaining weeks or months in the prison. Special emphasis will be given on his program thereafter when he leaves the institution on parole.

The Pre-Release treatment - Prerelease treatment is defined as the program specifically planned to prepare the offender, during a limited period prior to his release on parole. Pre-release treatment deals specifically with the transition from artificial, regimented group life to normal, independent life of the free individual and with the problems which this transition entails. The end of the prison term should not only be in sight but rather close at hand before such treatment begins, otherwise, the psychological stress of prolonged expectation would defeat the purpose of the pre-release treatment. The very realization that he is soon to be released may restore a greater measure of hope the prisoner than he has had since he was sentenced, particularly if he has been deprived of liberty for a long time.

Some of the special pre-release programs now used in various countries include:

1. Special information sessions on matters which will be important to the prisoner on his return to the community, such as parole conditions and employment opportunities.
2. Granting a greater freedom inside the institution which may take the form of letting the offender wear his own civilian clothes; lodging him in a separate quarters of the prison, possibly in a room of his own; and giving him an opportunity to determine his leisure activities and communicate more freely with the outside world; and generally subjecting him to less supervision.
3. Group and individual counseling which may assist him in orienting himself and alleviating his worries;

4. Transfer from a closed to an open institution or to a pre-release camp which, by providing a minimum degree of supervision, enables the prisoner to realize the trust placed in him and to live under conditions which are considerably closer to normal life:
5. Pre-release leaves for a few hours a day or even several days to obtain necessary documents; to find living quarters; to be interviewed by potential employers; to visit family; and for any other purpose which may be reasonably considered valuable for the future re-adaptation of the prisoner.
6. Leave for work, which allows the offender to be employed in the community, provided he returns to the institution at night.

Indeterminate Sentence – is a type of sentence to imprisonment where the commitment is not specified to a fixed period.

Decision – is the judgment rendered by a court of justice or competent tribunal after presentation of the respective positions of the parties in an ordinary or criminal case or upon a stipulation of the facts upon which the disposition of the case is based.

Conviction – is the judgment of a court based on the verdict of a judicial officer or judge, that the accused is guilty of the offense in which he/she was charged.

Sentence – is the penalty imposed by the court upon a person convicted of a crime.

Acquittal – is the judgment of a court based on the verdict or decision of the judge, that the defendant is not guilty of the charge against him.

Punishment – is the redress that the state takes against an offender where it signifies pain, suffering or curtailment of its freedom.

Penalty – is the suffering that is inflicted by the state for the transgression of law.

Prison labor was originally intended to be punitive. It was imposed on the offender as a penalty to be suffered by him in addition to imprisonment. Thus, the early forms of prison labor were 'not constructive. Such work as carrying stones from one corner of the yard to the other, and digging a big well and filling it up again, were commonly employed to punish prisoners. Later, prison labor was intended to reduce the cost of maintenance of the institution.

The Pennsylvania- system, with its solitary confinement and handicraft inside the cells, and the Auburn 'system' with its congregate shops, brought about a realization that prisoners should work for profit. **The Auburn system** triumphed over the Pennsylvania system because the former proved that prisoners could be more profitably employed in congregate shops than in solitary confinement.

In the United States there emerged six systems of prison labor, aside from agriculture. Of the six, three were public labor systems and three were private labor systems. In the public labor system the state retained the control of the maintenance and discipline of prisoners, the employment of prisoners and the sale of the products. In the private system, however, private interests controlled at least one of them.

The six systems of prison labor are:

1. **Lease System** - The state turns the prisoners over to a private lease. The latter feeds clothes, guards, and houses and disciplines the prisoners. This system prevailed in the southern states of the United States. These systems no longer exist.
2. **Contract System** - The state, under this system, retains control of the prisoner and the contractor merely engages with the state for the labor of the inmates, which is performed within or near the prison. The contractor supplies the raw material and supervises the work and pays the institution the stipulated amount for the services of the prisoners. This system no longer exists too.
3. **Price-Piece System** - Under this system the contractor supplies the raw materials and pays the state a determined amount for the work done on each article produced. The institution retains control of the inmates including the daily quantity of work required. This system has also been abolished.
4. **Public Account System** - In the Public Account System, the state buys the raw material, manufactures and sells the products and assumes all the risks of conducting a manufacturing business. Today, prison-made products cannot be sold in the open market.
5. **State-Use System** - Under this system, the state conducts the manufacture of the article but the use of the article is limited to state owned institutions. The principle of the system is that the state produces articles or merchandise for its own consumption alone and in the process, affords the prisoner opportunities to train for a vocation.
6. **Public Works and Ways System** — Prison labor is used in the construction and repair of public buildings, roads, bridges, flood control, reforestation, clearing land, preventing soil erosion, etc. The system does not involve the application of prison labor to the production of consumption goods.

Contraband is anything found in the possession of the prisoner contrary to rules and regulations. What constitutes contraband in one institution may not be contraband in another institution. Therefore, in view of the non-uniformity of the definition of contraband, every institution should provide a rulebook where articles declared as such are clearly listed.

Custody is defined as guarding or penal safe-keeping. The custodial force must be trained in custodial and security measures, locking and counting routines, procedures for searching prisoners and their living quarters, and prevention of contraband. The prison guard whose duties were limited to guarding inmates and maintaining discipline is now regarded as key personnel of the institution. The fact that he is most often in contact with the prisoner at work, in quarters, and at school, places him in a position where he has the greatest influence upon the prison.

Control involves supervision of prisoners to insure punctual and orderly movement to and from the dormitories, places of work, church, hospitals, and recreational facilities, in accordance with the daily schedules. Control does not mean that all prisoners be under close supervision at all times. The use of passes and the establishment of gates and checkpoints within the prison walls can likewise affect control.

Counseling is defined as a relationship in which one endeavors to help another understand and solve his problems of adjustment. It is distinguished from advice or admonition in that it implies mutual consent.

Casework in correctional work includes the professional services rendered by professionally trained personnel in the description and social treatment of offenders. Casework consists of working with one individual at a time.

Clinical Services provide the most intensive diagnostic and treatment activities.

THE PHILIPPINE PRISON SYSTEM

Prior to the coming of the Spaniards and immediately soon after their arrival, the penal system of this country was jurisdictionally local and tribal. It consisted mostly of native mores and customs administered by regional chieftains. The more notable ones were those of Datu Sumakwel's - Maragtas Code, Code Kalantiao, Sikatuna and others. The most extensive, the Kalantiao Code was comparable with Greek and Roman laws of the time as well as with their contemporary Spanish and English criminal laws.

Upon the occupation of the Philippines by the Spaniards dating as far back as 1521, and at various later dates when formal occupation of the different villages were effected by the Spanish "conquistadores" the laws which were introduced in the Philippines were the royal decrees, ordinances, rules and regulations for the government of the colonies promulgated by the King of Spain from time to time and later on incorporated into "Recopilacion de las Leyes de India." These were enforced until 1887, when the Penal Code of 1870 of Spain with some minor changes, which were recommended by the Code Committee for the Oversea Provinces (Pronvicas de Ultramar) in order to suit local conditions, were put into effect.

By virtue of a Royal Decree of September 4, 1884, the Code thus prepared by the Code Committee was ordered enforced in the Philippines. Some of the objections to the enforcement of the Code were raised by the "Gobierno General" to the Minister of Ultramar, but notwithstanding such objections, in a subsequent Royal Decree dated December 17, 1886, the Code was ordered promulgated. The Penal Code together with the "Ley Engiciamiento Criminal" were then enforced, both laws taking effect four months thereafter, in accordance with the provisions of the Decree "Legislacion Ultramarina" of March 13, 1887.

The Bilibid Prison

With the effectivity of the Spanish Penal Code in the country, it was then necessary to establish a system of incarceration. So in **1847** the construction of the Bilibid Prison started. This institution became the central place of confinement for Filipino prisoners. Prior to the establishment of Bilibid Prison, prisoners were confined in jails under the jurisdiction of Commandancias where law enforcement units were stationed. Commandancias were established in practically every province of the country. In **1865**, the Bilibid Prison was opened by virtue of a Royal Decree of the Spanish Crown.

The plan of the old Bilibid was such that the brigades were constructed in a radial spoke-of-a-wheel form. For easy commanding control, a central tower was placed at the center of spokes. This was the most important tower post then under the command of the Officer of the Day. The brigades made of strong adobe stones were so sturdy that even to this day, after their transfer to the city government of Manila they still stand and are being used by the City of Manila as the City Jail.

The New Bilibid Prison

The Bilibid Prison continued as the main national prison until 1941 when it was transferred to a new site in Muntinlupa, Rizal. The old prison had become overcrowded because prison population increased from year to year. The Prison at Azcarraga (now-Recto) was also fast being enveloped by the modern structural expansion in the city so it was then necessary to move the prison from the city to a suburban site.

In 1936, the City of Manila exchanged its Muntinlupa property of 552 hectares with that of the Bureau of Prison lot in Manila. This Muntinlupa estate was originally intended as the site of the Boys Training School but because it is far from Manila the City Government of Manila preferred the site of the old Bilibid. The Bureau started construction of the prison in 1936. Despite, the fact that the buildings were not yet ready, all the inmates of the Bilibid Prison in Manila were transferred to the new site on the recommendation of the Cabinet shortly before the outbreak of World War II. The new site occupies 552 hectares. During the war, Filipinos who were suspected as guerrillas were sent to the New Bilibid Prison for confinement by the Japanese Occupation Army. When Manila was liberated, Americans who were former prisoners of war were camped in the New Bilibid Prison reservation for physical recuperation.

The Bilibid Prison is mainly - a maximum custody institution. Being the main prison, it receives commitments from Courts of First Instance, and Criminal Circuit Courts all over the Philippines, except those sentenced by the Courts of First Instance and Criminal Circuit Courts of Zamboanga and Sulu who may be committed directly to the San Ramon Prison and Penal Farm. The New Bilibid Prison has a capacity of 3,000 Prisoners. The **New Bilibid Prison** operates two satellites units, namely, **BukangLiwayway Camp and Sampaguita Camp**. These two camps are located about a few hundred meters back to the New Bilibid Prison compound. The BukangLiwayway Camp houses 1,500 minimum-security prisoners who work in the various projects of the institution. **In Camp Sampaguita, the Reception and Diagnostic Center, the Medium Security Unit and the Youth Rehabilitation Center is located.**

The Medium Security Unit can handle a population of 700 prisoners who are employed in the agricultural projects under guard escorts. The Youth Rehabilitation Center is capable of accommodating a population of 500 inmates. This unit offers a special treatment and training program for youthful tractable offenders. The New Bilibid Prison specializes in the industrial type of vocational training. It operates a furniture shop, shoe repairing shop, blacksmith and tinsmith shop, auto mechanics and automobile body building shop, tailoring, electronics, watch-repairing carpentry, and rattan furniture shop. It is also engaged in track gardening, poultry, piggery and animal husbandry. The New Bilibid Prison also offers a high school course for prisoners who desire to complete their high school education. The school is a part of the public high school of Rizal province. Since its establishment in 1956, the school has graduated over three hundred inmates.

The Reception and Diagnostic Center

In 1953, the Reception and Diagnostic Center was established for diagnostic study of prisoners for more scientific rehabilitation. The Center was opened by virtue of Administrative Order No. 11 of the Secretary of Justice. From then on the Reception and Diagnostic Center operated as a separate institution and is housed in one building inside the Camp Sampaguita compound in the New Bilibid Prison.

The San Ramon Prison and Penal Farm

In **1869**, the authorities saw the need of establishing one prison separate from Bilibid for those who fought the established government. So, San Ramon Prison and Penal Farm in the southern tip of **Zamboanga** was established for the confinement of political offenders. During those days a rebel who was not shot was either sent to Guam or the Marianas or to Zamboanga. The San Ramon Prison was named after its founder, **Ramon Blanco**, a Spanish captain in the Royal Army. The purpose of this prison was for the segregation of political fecal citrates that advocated for reforms but which reforms were rejected by the constituted authorities. Thus, Dr. Jose Rizal who fought for reforms was considered an enemy of the government and was imprisoned in Dapitan, also in Zamboanga.

The San Ramon Prison and Penal Farm has an area of **1,524.6 hectares**. It houses maximum, medium and minimum custody types of prisoners. Prisoners who are directly committed, by the court to this prison are later sent to the Reception and Diagnostic Center in the Central Office for study and diagnosis. San Ramon has an average population of 1,200 prisoners. The principal product of the San Ramon Prison is **copra**, which is one of the biggest sources of income of the Bureau of Prisons. It also raises rice, corn, coffee, cattle and livestock.

The Iwahig Penal Colony

On November 16, 1904, Foreman R.J. Shields with her sixteen prisoners left the Bilibid Prison by order of Governor Forbes who was the Secretary of Commerce and Police, to establish the Iwahig Colony in Palawan. The idea was hatched on the suggestion of then **Governor Luke E. Wright** who envisioned it to be an institution for incorrigibles. The first contingent, however, revolted against the authorities. They hogtied their Superintendent, Mr. Madaras, and could have killed him were it not for the timely succor of the Philippine Scouts stationed in Puerto Princesa. When the Philippine Commission, by virtue of Reorganization Act 1407, created the Bureau of Prisons on November 1, 1905, the authorities changed the policy regarding Iwahig so that instead of sending incorrigibles, inmates who were well behaved and declared tractable were assigned to this colony. Today, the Iwahig Penal Colony enjoys the reputation of being one of the best open institutions in the World. Only mutual trust and confidence between the wards and the prison authorities keep them together, there being no walls.

At present, the Iwahig Penal Colony is a minimum custody or open institution. It has an area of **36,000 hectares** and an average population of 4,000 prisoners. The colony is divided into four sub-colonies, namely: **Sta. Lucia sub-colony, Inagawan sub-Colony, Montible sub-colony and Central sub-colony**. Each sub-colony operates as a small institution under the management of a penal supervisor. T

The Iwahig Penal Colony administers the Tagumpay Settlement. The Settlement is a 1,000 hectare portion of the colony which was subdivided into 6-hectares homestead lots. These lots are distributed to released inmates who desire to live in the settlement.

One important feature of the Iwahig Penal Colony is the privilege granted to colonists to have their families transported to the colony at government expense and to live with them in the colonists' village. The institution maintains various community resources such as schools, church, recreation center, post exchange, hospital and clinics for the colonists and their families. The colonists who have their families with them are assigned a piece of land to cultivate and are encouraged to raise poultry and livestock for their personal use. Their products are sold by the Colony Post Exchange. The principal products of the Iwahig Penal Colony are **rice, corn, copra**, logs, minor forest products and cattle.

The Correctional Institution for Women

In **1931**, the Correctional Institution for Women was established on an 18-hectare piece of land in Mandaluyong by authority of **Act 3579**, which was passed on **November 27, 1929**. Prior to the establishment of this institution, female prisoners were confined in one of the wings of Bilibid Prisons. Later the position for a female superintendent was created in 1934. Correctional Institution for women is an institution under the Bureau of Prison, managed by the female personnel, except the perimeter guard who are male.

The Correctional Institution for Women is the only penal institution for women in the Philippines. It has an average inmate population of 180. The institution conducts vocational courses in dressmaking, beauty culture, handicrafts cloth weaving and slipper making.

The Davao Penal Colony

The Davao Penal Colony was established on January 21, 1932, in accordance, with Act No. 3732 and Proclamation No. 414, series of 1931. The first contingent of prisoners that opened the colony was led by **General Paulino Santos**, its founder and the then Director of Prisons. The area consists of **18,000 hectares**, mostly devoted to **abaca**.

In 1942, the Davao Penal Colony was used as a concentration camp for American prisoners of war. The former inmates were all transferred to the Inagawan sub-colony in Iwahig. During the war, the Japanese devastated the colony, destroying its buildings, machineries and industries. In August 1946, the colony was re-established to its former productive activity by slow reconstruction. This institution is now the main source of income of the Bureau from its vast abaca, banana, rice and other farm industries.

At present, the Davao Penal Colony is a combination of medium and minimum custody type of institution. The greater portions of the prison population are medium security inmates who live in a stockade enclosed with wires. The prisoners work in the open fields under escort guards. The Davao Penal Colony manages the biggest abaca plantation in the whole country. The colony is divided into two sub-colonies, namely, the **Panabo Sub-Colony and the Kapalong sub-colony**.

Each sub-colony is headed by a Penal Supervisor. The Davao Penal Colony also raises rice, corn kenaf, copra, and cattle. It has a potential of producing rice, which will meet the needs of the whole inmate Population of the Bureau. The colony is engaged in a joint venture with Tagum Development Company in a 3000-hectare banana plantation for the export of banana fruits not only to Japan but also to the Middle East countries particularly Saudi Arabia and Egypt. The colony also operates the Tanglaw Settlement where released prisoners of said colony are relocated as homesteaders.

The Sablayan Penal Colony and Farm

In **1954**, the increase in prison population was such that there was congestion again in the New Bilibid Prison. The New Bilibid Prison which could hold only 3,000 had a population of 6,000 prisoners in 1954. On September 27, 1954, the President of the Philippines issued Proclamation No. 72 setting aside **16,000 hectares** of the virgin lands in **Sablayan, Occidental Mindoro** for the Sablayan Penal Colony. The first trailblazers were the experienced colony administrators from Iwahig Penal Colony headed by the Assistant Superintendent of that colony - Mr. Candido Bagaoisan. Sablayan Penal Colony enjoys the reputation of being the youngest and fastest growing colony under the Bureau.

This institution is an open or minimum-security type of institution. It has an area of **16,408.5 hectares** and has an average prison population of 1,500. **Rice** is the principal product of the colony. This institution is self-sufficient in rice. It also raises vegetables not only for the use of the colony, but also for the inmates of the New Bilibid Prison.

Bureau of Prisons to Bureau of Corrections

The basic law on the Philippine Prison System is found in the **Revised Administrative Code**, particularly Sections **1705 to 1751** of said Code, otherwise known as the **Prison Law**. The Prison Law states that the head of the Bureau of Prisons is the Director of prisons who is appointed by the President with the confirmation of the Commission on Appointment. The Bureau of prisons has "general supervision and control of national and provincial prisons and all penal settlements", and is charged with the safekeeping of all prisoners confined therein or committed to the custody of said Bureau.

Section 1724 of the Law requires the Bureau of Prisons to promulgate rules and regulations that will best promote discipline in all the national and provincial prisons and penal institutions and best secure the reformation and safe custody of prisoners of all classes. **Section 1725** of the same law prescribes that the mode of treatment of prisoners "shall be with humanity", and that provisions shall be made for the segregation of juveniles from the adult offenders and those of the sexes.

Administrative Code of 1987 and Proclamation No. 495 issued on November 22, 1989. Change the agencies' name to Bureau of Corrections from Bureau of Prisons. The rationale behind changing the Bureau's name is to conform to the ongoing trends of modern penology – shifting from the antiquated punitive system of incarceration to the humanistic rehabilitation approach

Relationship of the Bureau of Prisons with Parole and Jail

Parole, jails and prisons are part of the correctional system of the state. Prisons and parole are two separate and co-equal entities under the jurisdiction of the Department of Justice. However, the functions of these two agencies are allied with respect to the treatment and training of offenders, so that they should maintain a relationship that is coordinate and advisory in nature.

JAIL ADMINISTRATION

Jails

Jails are primarily adult penal institutions used for the detention of law violators. Its original function was the pre-trial detention of persons charged with crime. Later it came into use for the service of shorter sentences. Today, it continues its dual role as a place of detention for those awaiting final disposition of criminal action and the service of short sentences of not less than three years.

Generally, Jails differ from the prisons in that the former are administered by local governments such as municipality, city or province while the latter are administered by the state or national government. Furthermore, jails are institutions for the confinement of untried prisoners and sentenced prisoners serving imprisonment of not more than three years, while prisons are institutions for the confinement of sentenced prisoners serving imprisonment of more than three years.

History of the Jails

When the first crude system of community organization began to emerge in the stone age, a small cave was undoubtedly designated as a holding cell for the detention of those who violated the tribal code until the elders could gather at the side of some nearby mountain to decide upon punishment. But when punishment had been determined, a restraining boulder was rolled aside from the mouth of the cave, the guilty were brought and punishment promptly meted. Until about 200 years ago, the jail was used exclusively for the detention of the accused pending trial and imposition of punishment. The punishment imposed were torture, banishment, exile, death, branding, Mutilation, but never imprisonment

Types of Jails – the modern jail system falls into three general classes:

1. **The lock-up** - This is a security facility, usually operated by the police department, for the temporary detention of persons for preliminary hearing. Usually the period of detention does not exceed 48 hours. Persons who must be held longer are transferred to the city or provincial jails.
2. **The Ordinary Jail** - In most instances this institution houses both offenders awaiting court action and those serving short sentences, usually up to three years. Frequently, it is the only facility available for the detention of the

juvenile offender and for the care of the non-criminal insane pending commitment to the state psychopathic hospital. It may be administered by the police department or by the provincial jail administration

- 3. **The Workhouse, Jail-Farm or Camp** - These institutions house minimum custody offenders serving short sentences, usually not more than three years. Like the ordinary jail, they may be operated by the city police department or by the provincial jail administration.

Cities and provinces, which have big inmate populations, may operate the three types of jails mentioned above.

Consolidated Jails

Ideally, jails should be used only for the detention of prisoners awaiting court action and few short-sentence prisoners who require maximum security. Other short-sentence prisoners should be housed in special institutions such as farms, camps, workhouse, etc., which can provide full employment, remedial services, and constructive leisure-time activities. The correctional treatment of sentenced offenders requires more complete facilities and larger staff than can be provided by the average city or provincial jail. An institution serving several jurisdictions, however, can draw on the resources of all and with this pooling of funds can offer a planned correctional program for short-sentence offenders. The existing jails then can revert to their proper function in housing prisoners awaiting trial.

Rank Classification of the BJMP

RANK	POSITION/TITLE	APPOINTING AUTHORITY
Director	Chief of the BJMP	Secretary of DILG
C/ Supt.	Deputy C/BJMP	same
Sn. Supt.	Asst. Regional Dir.	same
Supt.	Asst. Regional Dir.	same
Chief Insp.	Warden	Under Secretary
Sn. Insp.	Warden	same
Inspector	Warden	same
SJO 4 to JO1	Jail Guards	Chief of the BJMP

Mittimus— is a warrant issued by a court directing the jail or prison authorities to receive the convicted for the service of sentence imposed therein or for detention

Categories of Prisoners

Municipal Prisoners - Persons who by reason of their sentence may be deprived of liberty for not more than six months. The imposition of subsidiary imprisonment shall not be taken into consideration in fixing the status of a prisoner hereunder except when the sentence imposes a fine only.

Provincial or City Prisoners - Persons who by reason of their sentence may be deprived of liberty for not more than three years or are subjected to a fine of not more than one thousand pesos, or are subjected to both penalties; but if a prisoner receives two or more sentences in the aggregate exceeding the period of three years, he shall not be considered a provincial prisoner.

The imposition of subsidiary imprisonment shall be taken into consideration in fixing the status of a prisoner hereunder except when the sentence imposes a fine only.

All other prisoners are considered **National Prisoner**.

AN ACT STRENGTHENING THE BUREAU OF CORRECTIONS (BUCOR) AND PROVIDING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as “**The Bureau of Corrections Act of 2013**”.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote the general welfare and safeguard the basic rights of every prisoner incarcerated in our national penitentiary. It also recognizes the responsibility of the State to strengthen government capability aimed towards the institutionalization of highly efficient and competent correctional services.

Towards this end, the State shall provide for the modernization, professionalization and restructuring of the Bureau of Corrections (BuCor) by upgrading its facilities, increasing the number of its personnel, upgrading the level of qualifications of their personnel and standardizing their base pay, retirement and other benefits, making it at par with that of the Bureau of Jail Management and Penology (BJMP).

SEC. 3. *Definition of Terms.* –

(a) *Safekeeping*, which is the custodial component of the BuCor’s present corrections system, shall refer to the act that ensures the public (including families of inmates and their victims) that national inmates are provided with their basic needs, completely incapacitated from further committing criminal acts, and have been totally cut off from their criminal networks (or contacts in the free society) while serving sentence inside the premises of the national penitentiary. This act also includes protection against illegal organized armed groups which have the capacity of launching an attack on any prison camp of the national penitentiary to rescue their convicted comrade or to forcibly amass firearms issued to prison guards.

(b) *Reformation*, which is the rehabilitation component of the BuCor’s present corrections system, shall refer to the acts which ensure the public (including families of inmates and their victims) that released national inmates are no longer harmful to the community by becoming reformed individuals prepared to live a normal and productive life upon reintegration to the mainstream society.

SEC. 4. *The Mandates of the Bureau of Corrections.* – The BuCor shall be in charge of safekeeping and instituting reformation programs to national inmates sentenced to more than three (3) years.

(a) Safekeeping of National Inmates – The safekeeping of inmates shall include decent provision of quarters, food, water and clothing in compliance with established United Nations standards. The security of the inmates shall be undertaken by the Custodial Force consisting of Corrections Officers with a ranking system and salary grades similar to its counterpart in the BJMP.

(b) Reformation of National Inmates – The reformation programs, which will be instituted by the BuCor for the inmates, shall be the following:

- (1) Moral and Spiritual Program;
- (2) Education and Training Program;
- (3) Work and Livelihood Program;
- (4) Sports and Recreation Program;
- (5) Health and Welfare Program; and
- (6) Behavior Modification Program, to include Therapeutic Community.

(c) The reformation programs shall be undertaken by Professional Reformation Personnel consisting of Corrections Technical Officers with ranking system and salary grades similar to Corrections Officers.

(1) Corrections Technical Officers are personnel employed in the implementation of reformation programs and those personnel whose nature of work requires proximate or direct contact with inmates.

(2) Corrections Technical Officers include priests, evangelists, pastors, teachers, instructors, professors, vocational placement officers, librarians, guidance counselors, physicians, nurses, medical technologists, pharmacists, dentists, therapists, psychologists, psychiatrists, sociologists, social workers, engineers, electricians, agriculturists, veterinarians, lawyers and similar professional skills relevant to the implementation of inmate reformation programs.

SEC. 5. *Operations of the Bureau of Corrections.* – (a) The BuCor shall operate with a directorial structure. It shall undertake reception of inmates through its Directorate for Reception and Diagnostics (DRD), formerly Reception and Diagnostic Center (RDC), provide basic needs and security through its Security and Operations Directorates, administer reformation programs through its Reformation Directorates, and prepare inmates for reintegration to mainstream society through its Directorate for External Relations (DER), formerly External Relations Division (ERD).

(b) The DRD shall be responsible for the conduct of classification of each and every inmate admitted to the BuCor. Inmates shall be classified according to security risk and sentence. Included in the classification is determining inmate's certain skills or talents, physical, spiritual, social, mental and psychological evaluation and other behavioral assessments, as reference of the DRD in the preparation of individual inmate reformation programs.

(c) Aside from those borne of the provisions under Rule 8, Part I, Rules of General Application of the United Nations Standard Minimum Rules for the Treatment of Prisoners and that of the existing regulation of the BuCor on security classification (i.e. maximum, medium and minimum security risk), inmates shall also be internally classified by the DRD and segregated according to crimes committed based on the related penal codes such as Crimes Against Persons, Crimes Against Properties, Crimes Against Chastity, so on and so forth, as well as by other related Special Laws, Custom and Immigration Laws.

(d) From the DRD, the Custodial Force and Reformation Personnel of respective security institutions/camps shall be in charge for the security and the implementation of the recommended inmate reformation program of each and every inmate while serving sentence, respectively.

(e) The Directorate for External Relations (DER) shall be responsible for pre-release and post-release programs of inmates due for release. The DER shall also classify inmates according to skills acquired for referral and endorsement to appropriate companies or corporations participating in the BuCor On-The-Job Training Programs for newly reformed inmates. The DER shall also evaluate, classify and apply necessary programs to inmates for readiness to join the mainstream society upon release.

(f) Apart from handling inmates, the BuCor shall administratively operate like a standard government agency through its Administrative Directorates with internal control and internal audit units.

(g) The BuCor shall employ full computerization in the build-up, maintenance and transmittal of necessary inmate records to all its Prison and Penal Farms and other recipient agencies (i.e. Board of Pardons and Parole).

SEC. 6. *Lands of the Bureau of Corrections.* – (a) Aside from administrative purposes, all BuCor lands shall be used for inmate security, reformation programs and as a means to promote sustainability, both for income and non-income generating programs, with or without partnership among nongovernment organizations, civic organizations or other government entities.

(b) As a way to maximize its assets' value for the effective and extensive reformation (corrections) programs for national inmates, the BuCor shall have the absolute authority to design, formulate and implement land-use development plans and policies.

(c) The BuCor may propose additional penal farms as may be necessary as possible, aside from its existing seven (7) prison and penal farms to decongest existing penal institutions and accommodate the increasing number of inmates committed to the agency.

(d) All BuCor lands shall have a Certificate of Title registered under its name.

SEC. 7. *Facilities of the Bureau of Corrections.* – The BuCor shall operate with standard and uniform design of prison facilities, reformation facilities and administrative facilities, through all the operating prison and penal farms, such as the following:

- (a) Dormitory
- (b) Administration building;
- (c) Perimeter/Security fences;
- (d) Hospital/Infirmary;
- (e) Recreation/Multipurpose hall;
- (f) Training/Lecture center;
- (g) Workshop facility;
- (h) Mess hall/kitchen;

- (i) Visiting area;
- (j) Water tank and pump;
- (k) Reception and diagnostic center; and
- (l) Service personnel facilities

Section 8. Supervision of the Bureau of Corrections. – The Department of Justice (DOJ), having the BuCor as a line bureau and a constituent unit, shall maintain a relationship of administrative supervision with the latter as defined under Section 38(2), Chapter 7, Book IV of Executive Order No. 292 (Administrative Code of 1987), except that the DOJ shall retain authority over the power to review, reverse, revise or modify the decisions of the BuCor in the exercise of its regulatory or quasi-judicial functions.

SEC. 9. Organization and Key Positions of the Bureau of Corrections. – (a) The BuCor shall be headed by a Director who shall be assisted by three (3) Deputy Directors: one (1) for administration, one (1) for security and operations and one (1) for reformation, all of whom shall be appointed by the President upon the recommendation of the Secretary of the DOJ: Provided, That the Director and the Deputy Directors of the BuCor shall serve a tour of duty not to exceed six (6) years from the date of appointment: Provided, further, That in times of war or other national emergency declared by Congress, the President may extend such tour of duty.

(b) The Head of the BuCor, with the rank of Undersecretary, shall have the position and title of Director General of Corrections. The second officers in command of the BuCor, with the rank of Assistant Secretary, shall have the position and title of Deputy Directors of Corrections. The third officer in command of the BuCor, with the rank of Chief Superintendent, shall have the position and title of Corrections Chief Superintendent. The fourth officer in command of the BuCor, with the rank of Senior Superintendent, shall have the position and title of Corrections Senior Superintendent. The fifth officer in command of the BuCor, with the rank of Superintendent, shall have the position and title of Corrections Superintendent.

(c) The Department of Budget and Management (DBM) shall rationalize the existing organizational structure and staffing pattern of the BuCor in accordance with the provisions of this Act and relevant compensation and position classification laws, rules and regulations.

SEC. 10. Increase of Personnel. – The BuCor shall maintain the custodial personnel-to-inmate ratio of 1:7 and reformation personnel-to-inmate ratio of 1:24. Hence, it is authorized to increase its manpower to meet such ratio and may continue to increase personnel per percentage rate increase of committed inmates annually or as the need arises.

SEC. 11. Professionalization and Upgrading of Qualification Standards in the Appointment of the BuCor Personnel. – (a) No person shall be appointed as personnel of the BuCor unless one possesses the following minimum qualifications:

- (1) A citizen of the Republic of the Philippines;
- (2) A person of good moral character;
- (3) Must have passed the psychiatric/psychological, drug and physical test for the purpose of determining his/her physical and mental health;
- (4) Must possess a baccalaureate degree from a recognized learning institution;
- (5) Must possess the appropriate civil service eligibility;
- (6) Must not have been dishonorably discharged or dismissed for cause from previous employment;
- (7) Must not have been convicted by final judgment of an offense or crime involving moral turpitude; and
- (8) Must be at least one meter and sixty-two centimeters (1.62 m.) in height for male, and one meter and fifty-seven centimeters (1.57 m.) for female: Provided, That a waiver for height and age requirement/s may be granted to applicants belonging to the cultural communities: Provided, further, That a new applicant must not be less than twenty-one (21) or more than forty (40) years of age. Except for this particular provision, the above-enumerated qualifications shall be

continuing in character and an absence of any one of them at any given time shall be ground for separation or retirement from the service: Provided, furthermore, That those who are already in the service upon the effectivity of this Act shall be given five (5) years from the date of such effectivity to obtain the minimum educational qualification and eligibility with subsidiary assistance as provided for in this Act.

(b) After the lapse of the period for the satisfaction of a specific requirement, incumbent personnel of the BuCor who fail to satisfy any of the requirements enumerated under this section shall be separated from the service if they are below fifty (50) years of age and have served in the government for less than twenty (20) years, or retired if they are fifty (50) years and above and have served in the government for at least twenty (20) years without prejudice in either case to the payment of benefits they may be entitled to under existing laws.

(c) For sustained professionalism in the service, the BuCor is directed to conduct study for the feasible establishment of the Philippine Corrections Academy, patterned after the Philippine National Police Academy (PNPA) of the Philippine National Police (PNP) and the Philippine Military Academy (PMA) of the Armed Forces of Philippines (AFP) for its commissioned officers.

(d) The BuCor shall continue training its personnel through its Personnel Training School, which shall be renamed as Corrections Training School/Institute patterned after the BJMP's Jail National Training Institute (JNTI), the Bureau of Fire's Fire National Training Institute (FNTI) and the PNP's National Training Institute (PNTI).

SEC. 12. Appointment of Personnel to the BuCor. – The appointment of the BuCor shall be effected in the following manner:

- (a) Corrections Officer I to Corrections Chief Superintendent – Appointed by the Director General of Corrections, and attested by the Civil Service Commission (CSC); and
- (b) Director General of Corrections and Deputy Director of Corrections – Appointed by the President upon the recommendation of the Secretary of the DOJ, with the proper endorsement by the Chairman of the CSC.

SEC. 13. Lateral Entry of Officer into the BuCor. – In general, all original appointments of officers in the BuCor shall commence with the rank of Corrections Inspector wherein applicants for lateral entry into the BuCor shall include all those with highly specialized and technical qualifications such as, but not limited to, civil engineers, mechanical engineers, electrical engineers, chemical engineers, chemists, architects, criminologists, certified public accountants, nurses, physical therapists, dentists, social workers, psychologists, sociologists, guidance counselors and teachers. Doctors of Medicine, members of the Philippine Bar and chaplains shall be appointed to the rank of Corrections Senior Inspector in their particular technical service.

SEC. 14. Professionalization and Upgrading of Qualification Standards in the Designation of Personnel of the BuCor to Key Positions. –

(a) No person shall be designated to the following key positions of the BuCor unless one has met the qualifications provided therein:

(1) Sub-Colony Supervisor – Should have the rank of Senior Inspector, who must have finished at least-second year Bachelor of Laws or earned at least twelve (12) units in a master's degree program 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 courses for such position as may be established by the BuCor;

(2) Colony Assistant Superintendent – Should have the rank of Chief Inspector, who must have finished at least second year Bachelor of Laws or earned at least twenty-four (24) units in a master's degree program 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 courses for such position as may be established by the BuCor;

(3) Colony Superintendent – Should have the 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 courses for such position as may be established by the BuCor: Provided, That in prison and penal farms with an inmate population of two thousand (2,000) but below three thousand (3,000), the Colony Superintendent shall have the rank and qualification of a Colony Senior Superintendent; and

(4) Regional Superintendent – Should have the rank of Senior Superintendent or Chief 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 courses for such position as may be established by the BuCor: Provided, That in prison and penal farms with an inmate population of three thousand (3,000) but below five thousand (5,000), the Regional Superintendent shall have the rank and qualification of a Colony Senior Superintendent: Provided, further, That in prison and penal farms with an inmate population of over five thousand (5,000), the Regional Superintendent shall have the rank and qualification of a Chief Superintendent.

Any personnel of the BuCor who is currently occupying such position but lacks any of the qualifications mentioned therein shall be given five (5) years to comply with the requirements; otherwise, the personnel shall be relieved from the position.

SEC. 15. Professionalization and Qualifications Upgrading Program. – The DOJ shall design and establish a professionalization and qualifications upgrading program for personnel of the BuCor, in coordination with the CSC and the Commission on Higher Education (CHED), through an off-campus education program or other similar programs within ninety (90) days from the effectivity of this Act.

SEC. 16. Attrition System for the Personnel of the BuCor. – There shall be established a system of attrition for the personnel of the BuCor within five (5) years from the effectivity of this Act, to be submitted by the said bureau to the DOJ for approval. Such attrition system shall include, but is not limited to, the provision of the following principles:

(a) Attrition by Demotion in Position or Rank – Any personnel of the BuCor who is relieved and assigned to a position lower than what is established for the grade in the respective staffing pattern, and who shall not be assigned to a position commensurate to one's grade within two (2) years after such demotion in position shall be separated or retired from the service;

(b) Attrition by Non-Promotion – Any personnel of the BuCor who has not been promoted for a continuous period often (10) years shall be separated or retired from the service, except for those who are occupying a third level position;

(c) Attrition by Other Means – Any personnel of the BuCor with at least five (5) years of accumulated active service shall be separated from the service based on any of the following factors:

(1) Inefficiency based on poor performance during the last two (2) successive semestral rating periods;

(2) Inefficiency based on poor performance for three (3) cumulative semestral rating periods;

(3) Physical and/or mental incapacity to perform one's duties and functions; or

(4) Failure to complete the required career courses and/or appropriate civil service eligibility for his/her position except for justifiable cause or reason; and

(d) Separation or Retirement from the BuCor under this Section – Any personnel who is dismissed from the BuCor pursuant to the above-enumerated principles in this section shall be separated if one has rendered less than twenty (20) years of service, and be retired if one has rendered at least twenty (20) years of service unless the concerned personnel is disqualified by law to receive such benefits.

SEC. 17. Promotion System for the Personnel of the BuCor. – Within six (6) months after the effectivity of this Act, the BuCor shall establish a system of promotion for the personnel of the BuCor through the following principles:

(a) Rationalized Promotion System – The system of promotion shall be based on merit and on the availability of vacant ranks in the BuCor staffing pattern. Such system shall be gender-fair so as to ensure that women personnel of the BuCor shall enjoy equal opportunity for promotion as to men;

(b) Requirements for Promotion –

- (1) Any personnel of the BuCor shall not be eligible for promotion to a higher rank unless one has met the minimum qualification standards or the appropriate civil service eligibility set by the CSC, and has satisfactorily passed the required psychiatric/psychological, drug and physical test; and
- (2) Any personnel of the BuCor who has exhibited acts of conspicuous courage and gallantry at the risk of one's life above and beyond the call of duty, or selected as such in a nationwide search conducted by any accredited civic organization, shall be promoted to the next higher rank: Provided, That these shall be validated by the DOJ and the CSC based on established criteria.

SEC. 18. Performance Evaluation System. – (a) There shall be established a performance evaluation system which shall be administered in accordance with the rules, regulations and standards, and a code of conduct for the personnel of the BuCor to be promulgated by the BuCor through the DOJ. Such performance evaluation system shall be administered in such a way as to foster the improvement of the individual efficiency and behavioral discipline, as well as the promotion of organizational effectiveness and commitment to public service.

(b) The rating system as contemplated herein shall be based on standards prescribed by the BuCor through the DOJ and shall be considered the result of the annual psychiatric/psychological and physical test conducted on the personnel of the BuCor.

SEC. 19. Standardization of the Base Pay and Other Benefits of the Uniformed Personnel of the BuCor. – In order to enhance the general welfare, commitment to service and professionalism, the following are considered uniformed personnel of the BuCor:

CUSTODIAL RANK	REFORMATION RANK
Corrections Chief Superintendent	Corrections Technical Senior Superintendent
Corrections Senior Superintendent	Corrections Technical Superintendent
Corrections Superintendent	Corrections Technical Chief Inspector
Corrections Chief Inspector	Corrections Technical Senior Inspector
Corrections Senior Inspector	Corrections Technical Inspector
Corrections Inspector	Corrections Technical Senior Officer IV
Corrections Senior Officer IV	Corrections Technical Senior Officer III
Corrections Senior Officer III	Corrections Technical Senior Officer II
Corrections Senior Officer II	Corrections Technical Senior Officer I
Corrections Senior Officer I	Corrections Technical Officer III
Corrections Officer III	Corrections Technical Officer II
Corrections Officer II	Corrections Technical Officer I
Corrections Officer I	

The DBM shall determine the equivalent rank of the uniformed personnel of the BuCor patterned after the existing ranks of the military and uniformed personnel of other departments.

The base pay, allowances and other benefits of the abovementioned personnel shall be in accordance with the existing compensation and position classification laws and regulations.

SEC. 20. Retirement Benefits. – Upon compulsory retirement, any custodial officer from the rank of Corrections Chief Superintendent and below shall be entitled to retirement benefits computed on the basis of one grade higher than the position last held: Provided, That the retirement pay shall be subject to adjustment/s based on the prevailing scale of base pay of the uniformed personnel in the active service.

SEC. 21. Funding Source. – The funds required for the implementation of this Act including personnel benefits shall be taken from the budget of the BuCor for the current fiscal year and also from the following:

(a) Collections from clearances and certification fees;

(b) Income from institutional projects subject to memoranda of agreements (MOAs), contracts or joint venture agreements; and

(c) Other miscellaneous incomes (outside MOAs and contracts), such as:

(1) Penal farm agro-production; and

(2) Inmate handicraft industry.

Thereafter, such amounts as may be necessary to implement this Act shall be included in the annual General Appropriations Act.

SEC. 22. Implementation. – The implementation of this Act shall be undertaken in staggered phases, but not to exceed five (5) years, taking into consideration the financial position of the national government: Provided, That any partial implementation shall be uniform and proportionate for all ranks.

SEC. 23. Implementing Rules and Regulations. – The DOJ, in coordination with the BuCor, the CSC, the DBM and the Department of Finance (DOF), shall, within ninety (90) days from the effectivity of this Act, promulgate the rules and regulations necessary to implement the provisions of this Act.

SEC. 24. Transitory Provisions. – (a) The incumbent Director and two (2) incumbent Assistant Directors shall serve under the terms for which they have been appointed without need of new appointments upon the enactment of this Act.

(b) All incumbent personnel who, upon the effectivity of this Act, shall opt to early or optionally retire from the service will be entitled to the retirement benefits computed as follows:

Age	Age Basis for Computing Benefits
57	62
58	63
59	64
60	65

(c) All incumbent personnel, upon the effectivity of this Act, may continue to render services until one reaches the compulsory age of retirement for public officers of sixty-five (65). Those who shall be newly hired will have a compulsory age retirement of fifty-six (56) years pursuant to the prevailing provisions on retirement age of those who are in the uniformed services.

SEC. 25. Annual Report. – The BuCor, through the DOJ and the DBM, shall jointly submit to the President of the Senate and the Speaker of the House of Representatives an annual report on the implementation of this Act. This report shall include information on the application of the budget for the salary and other benefits provided under this Act. The DBM, in consultation with the BuCor through the DOJ, shall periodically review and adjust every five (5) years the rates of base pay, taking into consideration labor productivity, consumer price index, oil price and other similar economic indicators as may be determined by the National Economic and Development Authority (NEDA).

SEC. 26. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 27. Repealing Clause. – All laws, decrees, orders, rules and regulations and other issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

SEC. 28. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

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