

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5724



Introduced by REPRESENTATIVE JEYZEL VICTORIA C. YU
2nd District, Zamboanga del Sur

EXPLANATORY NOTE

This bill seeks to transfer the supervision and control of provincial and sub-provincial jails to the Bureau of Jail Management and Penology (BJMP).

Management and administration of local jails have a significant role in the Philippine Criminal Justice System which aims the reintegration of offenders into community and rehabilitation of Persons Deprived of Liberty (PDL).

Republic Act No. 6975, otherwise known as the Department of Interior and Local Government of 1990, placed the supervision and control of local jails to two different authorities: the BJMP for city, municipal and district jails while provincial government for provincial and sub-provincial jails. This setup creates varying jail management strategies.

Through this measure, the transfer of supervision and control of provincial and sub-provincial jails to the BJMP will establish a uniform and standardized policy on the management of all local jails which would lead to an effective reformation and rehabilitation of PDL. This would also relieve the provincial government in its function of supervising and maintaining a local jail, hence allowing them to focus in its priorities and more pressing responsibilities.

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


JEYZEL VICTORIA C. YU

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AN ACT

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

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

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

Each provincial jail shall be headed by a provincial jail warden with a rank of superintendent, who must be a graduate of bachelor of laws or a holder of a master's degree in management, public administration, public safety, criminology, penology, sociology, national security administration, defense studies or other related disciplines from a recognized institution of learning, and must have satisfactorily passed the necessary training or career for such position as may be established by the Bureau of Jail Management and Penology. The chief of the Bureau of Jail Management and Penology shall appoint the provincial jail warden.

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

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

During the transition period, the provincial government shall subsidize the subsistence allowance of inmates and the maintenance of the jail facility, including payments of utilities and necessary repairs.

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

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

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

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

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

Province and the chief of the Bureau of Jail Management and Penology, as members.

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

Section 9. Sections 61, 62, and 63 of Republic Act No. 6975, as amended, otherwise known as the "Department of the Interior and Local Government Act of 1990;" Paragraph (3), Subsection (b), Section 7 of the Republic Act No. 9263, otherwise known as the "Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004;" and pertinent provisions of Republic Act No. 7160 on the control and supervision of provincial jail; and all other laws, decrees, orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby amended or modified accordingly.

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

Approved,