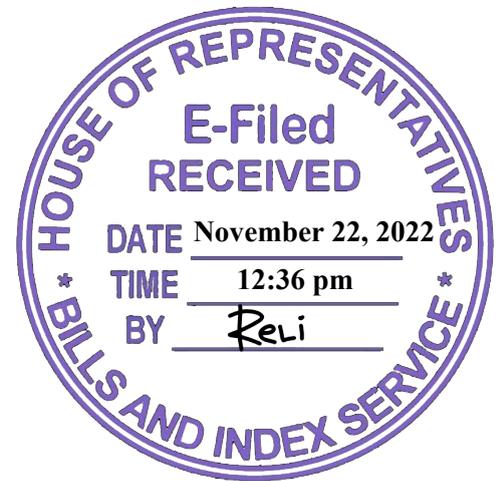


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
*First Regular Session*

House Bill No. 6287



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**Introduced by Representative PABLO JOHN F. GARCIA**

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#### **EXPLANATORY NOTE**

The State values the dignity of every human person and guarantees full respect for human rights.<sup>1</sup> Congress must likewise “give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, [x x x].”<sup>2</sup> Article 1 of the Universal Declaration of Human Rights also states, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

It is thus a sorry state of affairs—in the face of these noble proclamations—when we see the deplorable conditions some of our countrymen experience on a daily basis inside jails.

Data provided by the Bureau of Jail Management and Penology (BJMP) in 2018 do not paint a beautiful picture. As of 31 May 2021, the Philippines’ average jail congestion rate was at 392% (figure 1 below). The same table shows that with a target of 4.7 square meters per inmate, we have an excessive variance of 83,552 inmates for facilities designed for only 28,895 in congested jails. There is a mere 0.828 square meters of cell space for each inmate in congested jails. Other data also show that there are thousands of persons over the age of sixty, or are nearing it, in our jails (figure 2 below). These conditions have reached international notoriety.<sup>3</sup> Rehabilitation centers and prisons have also become overcrowded.<sup>4</sup> Calls have been made to release persons to prevent the spread of Coronavirus Disease

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<sup>1</sup> CONST. art. II, § 11.

<sup>2</sup> CONST. art. XIII, § 1.

<sup>3</sup> Aurora Almendral, *Where 518 Inmates Sleep in Space for 170, and Gangs Hold it Together*, available at <https://www.nytimes.com/2019/01/07/world/asia/philippines-manila-jail-overcrowding.html>.

<sup>4</sup> Alberto Maretti, *Prisons and rehab overcrowding in the Philippines*, available at <https://www.aljazeera.com/indepth/inpictures/2016/12/prisons-rehab-overcrowding-philippines-161207091046623.html>.

(Covid-19).<sup>5</sup>

**BJMP Jail Facility Congestion Rate Status at 4.7 Sq. M.  
for every Person Deprived of Liberty on 31 MAY 2021**

Status of Congestion	Number of PDL occupying the 4.7 sq.m space	Number of Facility	Percentage
NOT CONGESTED	0 to 1	114	24.26%
CONGESTED	2 to 32	356	75.74%
<b>TOTAL</b>		<b>470</b>	<b>100.00%</b>

**Congestion Rate Summary Statistics of BJMP Congested Jails**

AS OF 31 MAY 2021

REGION	No. of Congested Jails	PDL Population (congested jails only)	Lot Area (congested jails only)	Floor Area (congested jails only)	Cell Area (congested jails only)	Ideal Capacity (congested jails only)	Minimum Congestion Rate	Median Congestion Rate	Maximum Congestion Rate	Average Congestion Rate
NCR	37	24,216	56,218	61,651	21,807	4,640	29	419	1,738	518
I	11	1,731	16,506	3,013	2,187	465	13	206	459	215
II	13	1,851	21,243	9,843	4,623	984	19	66	480	129
III	35	8,196	31,323	11,846	6,690	1,423	12	465	1,682	569
CALABARZON	60	22,789	100,128	51,173	21,826	4,644	27	447	2,699	658
MIMAROPA	11	1,462	11,839	3,167	2,112	449	67	285	1,405	432
V	23	2,730	39,813	7,547	4,637	987	28	204	805	240
VI	34	7,584	256,546	23,246	15,451	3,287	3	221	1,031	269
VII	36	19,625	139,608	30,826	23,168	4,929	15	270	1,284	378
VIII	14	1,572	21,256	5,229	3,492	743	8	79	511	124
IX	13	4,175	41,719	7,034	4,589	976	6	225	1,428	349
X	18	5,453	105,330	14,856	10,087	2,146	7	109	1,701	216
XI	10	4,678	41,135	10,041	5,987	1,274	1	357	845	336
XII	13	3,178	78,044	5,287	3,683	784	46	250	980	317
CARAGA	10	1,812	16,864	3,820	2,410	513	89	317	792	333
CAR	10	871	15,790	4,807	2,231	475	26	94	371	122
BARMM	8	524	3,893	1,311	825	175	12	155	648	216
<b>TOTAL</b>	<b>356</b>	<b>112,447</b>	<b>997,254</b>	<b>254,697</b>	<b>135,804</b>	<b>28,895</b>	<b>1</b>	<b>278</b>	<b>2,699</b>	<b>392</b>
<b>AVERAGE CONGESTION RATE</b>										

Remarks:

1. **392%** is the average Congestion rate of congested BJMP jails nationwide, which means that there are 5 PDL in every 4.7sq.m.
2. Example in NCR, the Average congestion rate is **518%**, which means that there are 7 PDL occupying the 4.7sq.m cell area.
3. The median congestion rate (**278%**) is the middle value when congestion rate of BJMP jails are sorted either in increasing or decreasing order.
4. The maximum rate of congestion is **2,699%** or at least 28 PDL occupying the 4.7 sq.m cell area.  
(San Mateo Municipal Jail - Male Dormitory of CALABARZON)

Prepared by:

Joy B Datan  
Senior Jail Officer II  
OIC, PDL Profile Unit

Reviewed by:

KEVIN S PECAJ  
Jail Inspector  
OIC, Monitoring & Statistics Division

Noted by:

JOHNSON M CALUB, DM  
Jail Senior Superintendent  
Director for Operations

(figure 1)<sup>6</sup>

<sup>5</sup> Human Rights Watch, *Philippines: Reduce Crowded Jails to Stop COVID-19*, available at <https://www.hrw.org/news/2020/04/06/philippines-reduce-crowded-jails-stop-covid-19>.

<sup>6</sup> Bureau of Jail Management and Penology, Data and Statistics, *Congestion Rate*, captured from [https://www.bjmp.gov.ph/images/data\\_and\\_stats/BJMP\\_Jail\\_Facility\\_Congestion\\_Rate.jpg](https://www.bjmp.gov.ph/images/data_and_stats/BJMP_Jail_Facility_Congestion_Rate.jpg).

**PDL AGE BRACKET**

(As of May 31, 2021)

REGION	UNDETERMINED	Below 18	18-24	25-30	31-35	36-41	42-47	48-53	54-59	60-69	Above 70	TOTAL
NCR	1,149	0	3,946	4,702	4,125	4,381	3,426	2,229	1,075	533	50	25,616
I	0	0	262	363	446	476	371	245	127	94	24	2,408
II	8	7	410	349	347	354	221	194	97	80	15	2,082
III	1	3	1,345	1,495	1,488	1,549	1,279	815	407	181	17	8,580
CALABARZON	7	0	3,152	3,935	4,185	4,753	3,235	2,106	942	476	51	22,842
MIMAROPA	6	0	227	248	216	295	192	149	101	86	26	1,526
V	0	3	338	402	446	503	426	315	187	146	27	2,793
VI	4	0	1,252	1,520	1,369	1,404	1,008	649	372	223	52	7,853
VII	26	0	3,111	3,971	4,034	3,792	2,473	1,416	649	361	67	19,900
VIII	3	1	274	321	328	311	216	172	86	53	11	1,776
IX	7	0	677	982	994	875	548	271	121	163	37	4,675
X	222	0	953	1,042	897	988	669	364	178	125	31	5,469
XI	258	4	652	1,012	1,092	895	497	277	183	85	11	4,966
XII	0	16	662	663	579	583	369	197	106	59	16	3,250
CARAGA	5	1	275	342	320	353	282	185	78	61	13	1,915
CAR	1	2	177	206	195	178	138	79	38	30	7	1,051
BARMM	4	0	99	106	120	105	92	42	17	11	1	597
<b>TOTAL</b>	<b>1,701</b>	<b>37</b>	<b>17,812</b>	<b>21,659</b>	<b>21,181</b>	<b>21,795</b>	<b>15,442</b>	<b>9,705</b>	<b>4,764</b>	<b>2,747</b>	<b>456</b>	<b>117,299</b>
	1.45%	0.03%	15.19%	18.46%	18.06%	18.58%	13.16%	8.27%	4.06%	2.34%	0.39%	

Prepared by:

Certified Correct:

Noted by:

  
**Zandro Jhun B Fernando**  
 Jail Officer 3  
 Staff In-Charge, PDL Profile

  
**KEVIN S. PECAY**  
 Jail Inspector  
 OIC, Monitoring and Statistics Division

  
**JOHNSON M. CALUB, DM**  
 Jail Senior Superintendent  
 Director for Operations

(figure 2)<sup>7</sup>

This bill aims to help address the indignity and health hazards of overcrowding in our jail system by providing for a national comprehensive monitoring system for persons deprived of liberty so that measures already in place to provide them their due freedom are properly effected. It shall also rationalize the administration of justice by being the centralized hub of data for things such as an inmate's pending arrest warrants, ongoing cases, and other useful information.

This computerized database will complement existing social welfare programs and anti-crime initiatives to keep jail populations low. And while other solutions exist such as the construction of more jail facilities, we must take advantage of technology and ensure cost-effective measures, such as this digital network, are taken advantage of in the upliftment of Filipino life.

Our criminal justice system must be compassionate and ensure the proper reintegration of rehabilitated persons into society. Lives must be redeemed to pursue their social and economic potential—lives must be empowered so that all Filipinos may attain a law-abiding and fulfilling existence.

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

  
**Rep. PABLO JOHN F. GARCIA**  
 3rd District, Province of Cebu

<sup>7</sup> Bureau of Jail Management and Penology, Data and Statistics, *PDL Age Bracket*, captured from [https://www.bjmp.gov.ph/images/data\\_and\\_stats/PDL\\_Age\\_Bracket.jpg](https://www.bjmp.gov.ph/images/data_and_stats/PDL_Age_Bracket.jpg).

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
*First Regular Session*

House Bill No. 6287

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**Introduced by Representative PABLO JOHN F. GARCIA**

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**AN ACT**  
**ESTABLISHING A NATIONAL MONITORING SYSTEM FOR PERSONS**  
**DEPRIVED OF LIBERTY IN THE PHILIPPINE JAIL SYSTEM AND**  
**APPROPRIATING FUNDS THEREFOR**

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

**Section 1. Short Title.** - This Act shall be known as the “National PDL Monitoring System Act”.

**Section 2. Declaration of Policy.** - It is hereby declared that the State values and affords full respect to the dignity, wellbeing, and human rights of all people. It is also the policy of the State to be compassionate and ensure that persons are not unduly deprived of liberty and are properly reintegrated into society. Furthermore, it is the policy of the State to recognize that people have social and economic potential—and that it is in the interest of all Filipinos that all persons are given every opportunity to live lawful and fulfilling lives. Lastly, it is the policy of the State to recognize the importance of science and technology, particularly secure computer and network database systems, in the efficient and effective administration of justice.

**Section 3. Definition of Terms.** - For the purposes of this Act, the following terms shall be defined as:

- (a) BJMP - Bureau of Jail Management and Penology;
- (b) BPP - Board of Pardons and Parole;
- (c) BUCOR - Bureau of Corrections;

- (d) DICT - Department of Information and Communications Technology;
- (e) DILG - Department of the Interior and Local Government;
- (f) DOJ - Department of Justice;
- (g) Jail - a detention or correctional facility managed by the BJMP, any law enforcement agency, or the provincial government mandated by law to safekeep, develop, and rehabilitate a PDL who is under preventive imprisonment or who is sentenced to not more than three (3) years of imprisonment by order of a court of law or competent authority;
- (h) NPMS - National PDL Monitoring System;
- (i) Networked Institutions - The various courts of the Judiciary, the DOJ, the BJMP, the BUCOR, the BPP, the PPA, and all other government institutions, agencies, and/or instrumentalities charged with the administration and control of a Philippine jail;
- (j) PAO - Public Attorney's Office;
- (k) PDL - Person Deprived of Liberty; a person confined in a jail, whether undergoing preventive imprisonment or serving sentence by reason of a final judgment of conviction, who is not under the authority of the BUCOR; and
- (l) PPA - Parole and Probation Administration

**Section 4. National PDL Monitoring System.** - There is hereby established a national computerized monitoring network for PDLs in all jails.

**Section 5. Functions and Purpose of the NPMS.** - The system shall have the following functions and purposes:

- (a) It shall be a secure and encrypted digital network system which shall connect the various courts of the Judiciary, the DOJ, the BJMP, the BUCOR, the BPP, and PPA, and all other government institutions, agencies, and/or instrumentalities charged with the administration and control of a Philippine jail;
- (b) It shall serve as a database for all PDLs in the Philippine jail system and shall contain information about each PDL such as their name, personal data, biometrics, contact information, medical history and health concerns, information concerning their detention and arrest,

pending cases, case history/information, case dates/incidents, possible impossible penalties based on the crime(s) charged, outstanding warrants, and any other information, which shall be determined by the NPMS Steering Committee, that are useful in the administration of justice and in taking care of PDL welfare;

(c) It shall be a system which shall apprise networked institutions of the following data for prompt and appropriate action regarding the concerned PDL, with a referral for assistance to the PAO if necessary:

(1) Eligibility for release based on Section 13 of Rep. Act No. 8493 or the Speedy Trial Act of 1998 or a denial of the right to a speedy disposition of their case;

(2) Eligibility for release on recognizance based on Section 5 of Rep. Act No. 10389 or the Recognizance Act of 2012;

(3) Eligibility for release based on Section 16, Rule 114 of the Rules on Criminal Procedure;

(4) Eligibility for parole or probation; and

(5) Eligibility for remedy or release based on the Revised Penal Code or any other law, rule, or procedure, which shall be determined by the Network Steering Committee, such as, but not limited to Credit for Preventive Imprisonment, Good Conduct Time Allowance, Time Allowance for Teaching, Studying, and Mentoring, and Special Time Allowance for Loyalty.

(d) It shall incorporate existing network systems designed for PDLs and shall be integrated with the system created by Section 5(g) of Rep. Act No. 10575 or the Bureau of Corrections Act of 2013 so far as it may serve the provisions and policies of this Act; and

(e) Any other function or purpose assigned to it by the NPMS Steering Committee, which are consistent and not contrary to the provisions and policies of this Act.

**Section 6. NPMS Steering Committee.** - There is hereby established a Steering Committee composed of the following members:

(a) Secretary of the DILG, as Chairperson;

(b) Secretary of the DOJ; and

(c) Secretary of the DICT

And representatives from:

(a) The Supreme Court

(b) The National Privacy Commission

(c) PAO

(d) BJMP

(e) BUCOR

(f) BPP

(g) PPA

**Section 7. *Functions of the Steering Committee.*** - The Steering Committee shall:

(a) Develop and implement the NPMS in fulfillment of the provisions and policies of this Act;

(b) Detail the permissible purposes and uses which may be undertaken by networked institutions in using the NPMS, guided by the principles enunciated in this Act;

(c) Prescribe what pieces of information and interface the NPMS shall contain and display;

(d) Monitor and require compliance from networked institutions with respect to the policies, guidelines, and standards prescribed by the Steering Committee;

(e) Conduct periodic reviews of the administration, operation, policies, rules, and regulations governing the NPMS and update the same in order to reflect contemporary best practices and standards;

(f) Ensure that all government institutions, agencies, and/or instrumentalities charged with the administration and control of a Philippine jail shall have access and are able to utilize the NPMS; and

- (g) Perform other functions germane or related to the above-mentioned primary functions and the declared policies of this Act.

**Section 8. *Features of the NPMS.*** - The NPMS shall hereby reflect the following features:

- (a) PDL safety and privacy;
- (b) Data security and encryption;
- (c) Excellent database structure and network framework;
- (d) Comprehensiveness;
- (e) Up-to-date data;
- (f) Excellent user experience and user interface;
- (g) Ease of data exchange;
- (h) Economical use of budget and resources;
- (i) Intelligibility;
- (j) Correctness;
- (k) Dependability;
- (l) Efficiency;
- (m) Adaptability;
- (n) Interoperability and Wide-compatibility; and
- (o) Any other standard or quality that will be set by the NPMS Steering Committee, which shall be consistent with this Act.

**Section 9. *Lead Developer.*** - The DICT shall be the lead agency tasked with the design, development, implementation, maintenance, and improvement of the NPMS.

**Section 10. *Penalties.*** - Any violation as regards the use of the NPMS shall be punished by law and/or Rep. Act No. 10173, or “the Data Privacy Act of 2012”, when applicable.

**Section 11. *Appropriations.*** - The amount necessary for the initial implementation of this Act shall be sourced from the current appropriations of the networked institutions. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

**Section 12. *Implementing Rules and Regulations.*** - The NMPS Steering Committee shall convene within sixty (60) days from the effectivity of this Act and shall promulgate the necessary implementing rules and regulations within six (6) months thereafter.

**Section 13. *Repealing Clause.*** - All laws, executive orders, proclamations, rules, regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

**Section 14. *Separability Clause.*** - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

**Section 15. *Effectivity.*** - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

**Approved,**