

NINETEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 7678

EXPLANATORY NOTE

According to data of the Bureau of Jail Management and Penology (BJMP), as of September, 2010, there are 62,556 inmates detained (sentenced and merely detained) in jails all over the country. And based on data from the year 2000 to 2009, the number of detainees increase at an annual rate of 6.17%. At this rate, by the end of the year 2011, there would be around 66,179 detainees and by the end of year 2012, there would be around 70, 263 detainees locked-up.

As of March 2019, the BJMP accommodates 136,881 Persons Deprived of Liberty (PDL), even as the 476 jail facilities managed by the bureau nationwide can only cater to almost 30,000 PDLs. This amounts to around a 440% congestion rate.

To help address this problem, the budget of the Bureau of Jail Management and Penology (BJMP) for 2019 has been increased to Php18.9 billion. This is where they will get the funding to build new jails, pay for the salaries of all their personnel and provide for the basic necessities of inmates. Given the number of detainees, the appropriated budget may not be enough. BJMP officials say that the BJMP is on the budget's end list because it spends a lot of money with no returns.

It is apparent that the BJMP does not have enough funding to sustain and give the inmates the basic necessities that the Constitution requires. It is therefore necessary to find alternative sources of revenue for the BVMP and one alternative source is the pay-jail scheme being implemented in some states in the United States.

The pay-jail scheme started in the US around the early 1990's and is a jail cell upgrade for non-violent offenders in jail costing from 75\$ to 171\$ a night. Under this "upgrade" inmates are allowed to bring cellphones, laptops or other electronic devices in their cell or watch TV in the common room. Some may even get to leave during the day to go to work. Inmates are allowed to roam the prison campus, which are not necessarily fenced. This "upgrade" is usually offered to offenders whose crimes are usually relatively minor and is subject to the approval of the Courts.

Some benefits and advantages that this "upgrade" provides is the fact that prisoners are safe from prison gangs and other dangerous prisoners and they may have their food delivered to their cells rather than going the jail's cafeteria or they may choose to enjoy meals brought by their families during visiting hours.

Among the arguments that are raised against this scheme is that the system create inherent injustices, offering cleaner, safer alternatives to those who can pay and that it would be little unfair because if two people come in and have the same offense, the guy who has money gets to pay to stay and the other doesn't.

While this may be true, the payment that will be receive would be a source of funding to augment the budget given and could also cover the operating expenses that the jails incur which would lead to improved services and living conditions for the general inmate population. And the fact that there are certain benefits given to paying inmates, it is still a restriction on the freedom of the inmate and as one inmate, who paid to be "upgraded" said, the experience was one she never cared to repeat because it may look decent but you still feel exactly where you are.

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



RUFUS B. RODRIGUEZ

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AN ACT

PROVIDING FOR THE IMPLEMENTATION OF A PAY-JAIL SCHEME UPGRADE TO CERTAIN QUALIFIED INMATES, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy – It is the policy of the State to prohibit the use of substandard or inadequate penal facilities under subhuman conditions.

SEC. 2. A pay-jail scheme upgrade is hereby authorized to be offered and implemented in jails all over the country whereby certain qualified inmates may be granted certain amenities and benefits not available to others for a fee.

SEC. 3. Qualifications – To be qualified to the pay-jail upgrade scheme, an inmate must be either:

- a. Charged with and/or convicted of a felony that carries with it the penalty of *prison correctional* or lower; or
- b. Charged with and/or convicted of a crime with a penalty of imprisonment of not more than six years;

Provided, That said inmate has never been previously charged with and/or convicted of any crime or felony.

SEC. 4. All amounts collected from this scheme shall be exclusively used by the Bureau of Jail Management and Penology (BJMP) for the benefit of other inmates in jails all over the country.

SEC. 5. Implementing Rules and Regulations. The BJMP shall promulgate such rules and regulations as necessary to implement the provisions of this act.

SEC. 6. Repealing Clause – Any provision of law, decree, orders, rules and regulations contrary thereto is hereby repealed or modified accordingly.

SEC. 7. Separability Clause. – Should any provision of this Act be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 8. Effectivity Clause – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two newspaper of general circulation, whichever comes earlier.

Approved,