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

EIGHTEENTH CONGRESS
Third Regular Session

COMMITTEE REPORT NO. 1292

Submitted by the Committees on Justice and Appropriations on **October 10, 2021**

Re: House Bill No. **10355**

Recommending its approval in substitution of House Bills Numbered 4461, 4655 and 4683

Sponsors: Representatives Vicente "Ching" S. E. Veloso III, Eric Go Yap, Teodorico "Nonong" T. Haresco, Luis Raymund "LRay" F. Villafuerte, Jr., and Ferdinand Martin G. Romualdez

Mr. Speaker:

The Committees on Justice and Appropriations, to which were referred House Bill No. 4461, introduced by Representative Teodorico "Nonong" T. Haresco, entitled:

"AN ACT
ESTABLISHING A MAXIMUM SECURITY FACILITY FOR PERSONS CONVICTED OF HEINOUS CRIMES WITHIN THE NATIONAL PENITENTIARY SYSTEM UNDER THE BUREAU OF CORRECTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES";

House Bill No. 4655, introduced by Representative Luis Raymund "LRay" F. Villafuerte, Jr., entitled:

"AN ACT
ESTABLISHING A DETENTION PROGRAM AND FACILITY FOR HIGH-LEVEL DRUG OFFENDERS WITHIN THE NATIONAL PENITENTIARY SYSTEM UNDER THE BUREAU OF CORRECTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES";

and House Bill No. 4683, introduced by Representative Ferdinand Martin G. Romualdez, entitled:

"AN ACT
ESTABLISHING A SEPARATE FACILITY FOR PRISONERS CONVICTED OF HEINOUS CRIMES";

have considered the same and recommend that the attached House Bill No. **10355** entitled:

"AN ACT
ESTABLISHING A SEPARATE FACILITY FOR HIGH-LEVEL OFFENDERS AND APPROPRIATING FUNDS THEREFOR"

be approved in substitution of House Bills Numbered 4461, 4655, and 4683, with Representatives Teodorico "Nonong" T. Haresco, Luis Raymund "LRay" F. Villafuerte, Jr., Ferdinand Martin G. Romualdez, Eric L. Olivarez, Deogracias Victor "DV" B. Savellano, Joy Myra S. Tambunting, John Marvin "Yul Servo" C. Nieto, Vicente "Ching" S. E. Veloso III, Eric Go Yap, Jonathan Keith T. Flores, Juan Fidel Felipe F. Nograles, Henry S. Oaminal, Lawrence "Law" H. Fortun, Joseph Stephen "Caraps" S. Paduano, Ruwel Peter Gonzaga, Strike B. Revilla, Rufus B. Rodriguez, Divina Grace Yu, Tyrone D. Agabas, Christopher V. P. De Venecia, Ria Christina G. Fariñas, Stella Luz A. Quimbo, Elenita Milagros "Eileen" Ermita-Buhain, Lorna P. Bautista-Bandigan, Peter John D. Calderon, Luis N. Campos, Jr., Luisa Lloren Cuaresma, Manuel Jose "Mannix" M. Dalipe, Paul Ruiz Daza, Rudys Caesar G. Fariñas I, Greg G. Gasataya, Ed Christoper S. Go, Sandro L. Gonzales, Jocelyn Sy Limkaichong, Francisco Jose "Bingo" F. Matugas II, Corazon T. Nuñez-Malanyaon, Manuel T. Sagarbarria, Joey Sarte Salceda, David "Jay-Jay" C. Suarez, Jose "Pingping" I. Tejada, Juliette T. Uy, Micaela S. Violago, Manuel F. Zubiri, Ma. Angelica M. Amante-Matba, Angelo Marcos Barba, Alfel M. Bascug, Jose Francisco "Kiko" B. Benitez, Ph.D., Gabriel H. Bordado, Jr., Fernando T. Cabredo, Rudy S. Caoagdan, DPA, Sergio C. Dagooc, Alfred C. Delos Santos, Cheryl P. Deloso-Montalla, Abdullah D. Dimaporo, Alan "Aldu" R. Dujali, Jocelyn F. Fortuno, Godofredo N. Guya, Ann K. Hofer, Glona G. Labadlabad, Edward Vera Perez Maceda, Mario Vittorio "Marvey" A. Mariño, Maricel G. Natividad-Nagaño, Ma. Lucille L. Nava, M.D., Geraldine B. Roman, Lorna C. Silverio, Alyssa Sheena P. Tan, Angelina "Helen" D.L. Tan, M.D., John Reynald M. Tiangco, Lucy Torres-Gomez, Kristine Alexie B. Tutor, Rosanna "Ria" V. Vergara, Manuel DG. Cabochan III, Elisa "Olga" T. Kho, Roman T. Romulo, Edgar Mary S. Sarmiento, and Raul "Boboy" C. Tupas as authors thereof.

Respectfully submitted,

ERIC GO YAP
Chairperson
Committee on Appropriations

VICENTE "CHING" S. E. VELOSO III
Chairperson
Committee on Justice

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10355
(in substitution of House Bills Numbered 4461, 4655 and 4683)

Introduced by Representatives Teodorico "Nonong" T. Haresco, Luis Raymund "LRay" F. Villafuerte, Jr., Ferdinand Martin G. Romualdez, Eric L. Olivarez, Deogracias Victor "DV" B. Savellano, Joy Myra S. Tambunting, John Marvin "Yul Servo" C. Nieto, Vicente "Ching" S. E. Veloso III, Eric Go Yap, Jonathan Keith T. Flores, Juan Fidel Felipe F. Nograles, Henry S. Oaminal, Lawrence "Law" H. Fortun, Joseph Stephen "Caraps" S. Paduano, Ruwel Peter Gonzaga, Strike B. Revilla, Rufus B. Rodriguez, Divina Grace Yu, Tyrone D. Agabas, Christopher V. P. De Venecia, Ria Christina G. Fariñas, Stella Luz A. Quimbo, Elenita Milagros "Eileen" Ermita-Buhain, Lorna P. Bautista-Bandigan, Peter John D. Calderon, Luis N. Campos, Jr., Luisa Lloren Cuaresma, Manuel Jose "Mannix" M. Dalipe, Paul Ruiz Daza, Rudys Caesar G. Fariñas I, Greg G. Gasataya, Ed Christoper S. Go, Sandro L. Gonzales, Jocelyn Sy Limkaichong, Francisco Jose "Bingo" F. Matugas II, Corazon T. Nuñez-Malanyaon, Manuel T. Sagarbarria, Joey Sarte Salceda, David "Jay-Jay" C. Suarez, Jose "Pingping" I. Tejada, Juliette T. Uy, Micaela S. Violago, Manuel F. Zubiri, Ma. Angelica M. Amante-Matba, Angelo Marcos Barba, Alfel M. Bascug, Jose Francisco "Kiko" B. Benitez, Ph.D., Gabriel H. Bordado, Jr., Fernando T. Cabredo, Rudy S. Caoagdan, DPA, Sergio C. Dagooc, Alfred C. Delos Santos, Cheryl P. Deloso-Montalla, Abdullah D. Dimaporo, Alan "Aldu" R. Dujali, Jocelyn F. Fortuno, Godofredo N. Guya, Ann K. Hofer, Glona G. Labadlabad, Edward Vera Perez Maceda, Mario Vittorio "Marvey" A. Mariño, Maricel G. Natividad-Nagaño, Ma. Lucille L. Nava, M.D., Geraldine B. Roman, Lorna C. Silverio, Alyssa Sheena P. Tan, Angelina "Helen" D.L. Tan, M.D., John Reynald M. Tiangco, Lucy Torres-Gomez, Kristine Alexie B. Tutor, Rosanna "Ria" V. Vergara, Manuel DG. Cabochan III, Elisa "Olga" T. Kho, Roman T. Romulo, Edgar Mary S. Sarmiento, and Raul "Boboy" C. Tupas

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AN ACT
ESTABLISHING A SEPARATE FACILITY FOR HIGH-LEVEL OFFENDERS AND APPROPRIATING 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 "Separate Facility for High-Level Offenders Act".

SEC. 2. *Declaration of Policy*. – Pursuant to Article II, Section 5 of the Constitution, which states that "(t)he maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy", and Article II, Section 11 of the Constitution, which states that "[t]he State values the dignity of every human person and guarantees full respect for human rights", the State implements policies and programs to promote the general welfare and the basic rights of every person deprived of liberty who are incarcerated in the national penitentiaries.

Furthermore, the State adheres to the principle that different categories of persons deprived of liberty shall be kept in separate institutions or facilities in consideration of their age, sex, criminal record, and requirements for rehabilitation and reformation.

SEC. 3. *Coverage*. – This Act shall apply to all high-level offenders serving their sentences in penitentiaries and facilities of the Bureau of Corrections (BuCor).

SEC. 4. *Definition of Terms.*–As used in this Act:

(a) *High-level offender* refers to a person convicted of heinous crimes and identified by the Director General of the BuCor as high-risk or high-profile, taking into consideration the following factors, among others:

(1) The offense for which the inmate is convicted;

(2) Criminal record or history of the inmate;

(3) Affiliations.

(b) *Secured and isolated place* refers to a place or location far away from civilian communities that would ensure the safety and security of such communities and protect the facility from possible intrusions or intruders.

SEC. 5. *Establishment of Separate Facilities for High-Level Offenders.* - There shall be established and maintained a separate, secure, and sanitary penitentiary for the custody and safekeeping of high-level offenders serving sentence in the prison facilities of the BuCor.

The separate facility for high-level offenders shall be built in a suitable location to be determined by the Secretary of Justice, away from the general population and other inmates, and preferably within a military establishment or in an island separate from the mainland.

The facility shall be located in a secured and isolated place to ensure that there is no unwarranted contact or communication from outside of the penal institution. There shall be at least three (3) separate facilities for high-level offenders, with one (1) facility each in Luzon, Visayas, and Mindanao.

Upon the establishment of such facilities, the BuCor shall include in its classification system high-level offenders as defined in this Act who shall serve their sentences in such separate facilities.

SEC. 6. *Transfer of High-Level Offenders to Separate Facilities.* - The transfer of high-level offenders currently serving their sentences shall be made within a period of thirty (30) days from the completion of the construction of such facilities.

SEC. 7. *The Facility.* - The separate facility for high-level offenders shall be a state-of-the-art facility with surveillance cameras and the latest information technology and security systems capable of monitoring its inmates twenty-four (24) hours a day, and with enhanced and extensive security features on locks, doors, and its perimeters. The facility shall be maintained clean and habitable at all times. Sanitary and hygienic toilets and shower areas shall be provided and maintained.

The Director General of the BuCor shall ensure that the high-level offenders kept

in such separate facilities are allowed to communicate with their relatives or with their legal counsels only, under such conditions and circumstances as may be recommended by the Director General and approved by the Secretary of Justice.

SEC. 8. *Conduct of Inspection.* – An internal inspection, which is conducted by the prison administration, and an external inspection, which is conducted by the Department of Justice, shall be conducted on a regular basis to ensure that the institution is administered in accordance with the Constitution, this Act and other existing laws and regulations, and to attain the objectives of the penal system.

SEC. 9. *Oversight*. — Congress shall conduct a regular review of the compliance with this Act, which shall entail a systematic evaluation of the performance of the concerned agencies with respect to its intent and objectives. The review shall be undertaken by the Committees of the Senate and the House of Representatives that have legislative jurisdiction over this Act.

SEC. 10. *Appropriations.* — The amount necessary for the implementation of this Act shall be included in the General Appropriations Act.

SEC. 11. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of Justice shall, in coordination with the Director General of the BuCor, promulgate the rules and regulations for the effective implementation of this Act.

SEC. 12. *Separability Clause.* - Should any provision of this Act be declared invalid, the remaining provisions shall continue to be in force and effect.

SEC. 13. *Repealing Clause.* - All other laws, decrees, orders, proclamations, rules, regulations and other issuances or parts thereof inconsistent with this Act are hereby amended or modified accordingly.

SEC. 14. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

House of Representatives
Committee Affairs Department

FACT SHEET

House Bill No. 10355

(in substitution of House Bills Numbered 4461, 4655, 4683)

"AN ACT
ESTABLISHING A SEPARATE FACILITY FOR HIGH-LEVEL OFFENDERS AND APPROPRIATING FUNDS THEREFOR"

Introduced by: Representatives Teodorico "Nonong" T. Haresco, Luis Raymund "LRay" F. Villafuerte, Jr., Ferdinand Martin G. Romualdez, Eric L. Olivarez, Deogracias Victor "DV" B. Savellano, Joy Myra S. Tambunting, John Marvin "Yul Servo" C. Nieto, Vicente "Ching" S. E. Veloso III, Eric Go Yap, Jonathan Keith T. Flores, Juan Fidel Felipe F. Nograles, Henry S. Oaminal, Lawrence "Law" H. Fortun, Joseph Stephen "Caraps" S. Paduano, Ruwel Peter Gonzaga, Strike B. Revilla, Rufus B. Rodriguez, Divina Grace Yu, Tyrone D. Agabas, Christopher V. P. De Venecia, Ria Christina G. Fariñas, Stella Luz A. Quimbo, Elenita Milagros "Eileen" Ermita-Buhain, Lorna P. Bautista-Bandigan, Peter John D. Calderon, Luis N. Campos, Jr., Luisa Lloren Cuaresma, Manuel Jose "Mannix" M. Dalipe, Paul Ruiz Daza, Rudys Caesar G. Fariñas I, Greg G. Gasataya, Ed Christoper S. Go, Sandro L. Gonzales, Jocelyn Sy Limkaichong, Francisco Jose "Bingo" F. Matugas II, Corazon T. Nuñez-Malanyaon, Manuel T. Sagarbarria, Joey Sarte Salceda, David "Jay-Jay" C. Suarez, Jose "Pingping" I. Tejada, Juliette T. Uy, Micaela S. Violago, Manuel F. Zubiri, Ma. Angelica M. Amante-Matba, Angelo Marcos Barba, Alfel M. Bascug, Jose Francisco "Kiko" B. Benitez, Ph.D., Gabriel H. Bordado, Jr., Fernando T. Cabredo, Rudy S. Caoagdan, DPA, Sergio C. Dagooc, Alfred C. Delos Santos, Cheryl P. Deloso-Montalla, Abdullah D. Dimaporo, Alan "Aldu" R. Dujali, Jocelyn F. Fortuno, Godofredo N. Guya, Ann K. Hofer, Glona G. Labadlabad, Edward Vera Perez Maceda, Mario Vittorio "Marvey" A. Mariño, Maricel G. Natividad-Nagaño, Ma. Lucille L. Nava, M.D., Geraldine B. Roman, Lorna C. Silverio, Alyssa Sheena P. Tan, Angelina "Helen" D.L. Tan, M.D., John Reynald M. Tiangco, Lucy Torres-Gomez, Kristine Alexie B. Tutor, Rosanna "Ria" V. Vergara, Manuel DG. Cabochan III, Elisa "Olga" T. Kho, Roman T. Romulo, Edgar Mary S. Sarmiento, and Raul "Boboy" C. Tupas

Committee Referral: ***Committees on Justice and Appropriations***
Committee Chairpersons: ***Rep. Vicente "Ching" S.E. Veloso III and Rep. Eric Go Yap***

OBJECTIVES:

- To ensure that high-level offenders who, by the nature of the crimes they committed, could place at high risk the safety of other inmates, correctional officers and correctional staff, are unable to further commit criminal acts and other unwarranted activities while serving their sentences

- To enable the Bureau of Corrections (BuCor) to effectively perform its mandate with respect to the safekeeping and reformation of inmates under its custody

KEY PROVISIONS:

- Establishes a separate facility for high-level offenders convicted of heinous crimes and identified by the BuCor Director General as high-risk or high-profile;

- Mandates the BuCor to establish and maintain a separate, secure and sanitary penitentiary for high-level offenders, to be built in a location away from the general population and other inmates, preferably within a military establishment or in an island separate from the mainland;

- Provides for the creation of at least three (3) separate facilities, the first to be located in Luzon, and subsequently in the Visayas and in Mindanao;

- Requires the transfer of high-level offenders currently serving their sentences to the separate facilities within thirty (30) days from the completion of the construction thereof;

- Provides for regular oversight review by the Senate and the House over the implementation of the Act.

RELATED LAWS:

- Republic Act No. 10575, otherwise known as the "Bureau of Corrections Act of 2013"

- Republic Act No. 7659, entitled, "An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that purpose the Revised Penal Laws, As Amended, Other Special Penal Laws, And For Other Purposes"

- Act No. 3815, otherwise known as "The Revised Penal Code"