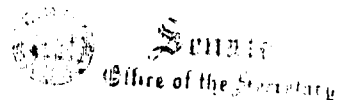


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



16 AUG -3 P6:12

SENATE

P. S. Res. No. 78

RECEIVED BY:

Introduced by Senator Ralph G. Recto

A RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE WORSENING CONDITION OF THE JAIL AND PRISON FACILITIES IN THE PHILIPPINES, WITH THE INTENT OF STRENGTHENING GOVERNMENT MANDATE TO UPHOLD THE DIGNITY OF THE HUMAN PERSON, TO PROTECT THE RIGHTS AND WELFARE OF PERSONS DEPRIVED OF LIBERTY, AND TO REHABILITATE AND REFORM INDIVIDUALS IN CONFLICT WITH THE LAW

WHEREAS, Section 19 paragraph 2, Article III of the 1987 Constitution provides that the employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by lawⁱ;

WHEREAS, the Philippines acceded and ratified the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – an international instrument which calls upon the States to take effective legislative, administrative, judicial or other measures to prevent acts of torture and other acts of cruel, inhuman or degrading treatment or punishment in any territory under their jurisdictionⁱⁱ;

WHEREAS, the Philippines acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which seeks to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishmentⁱⁱⁱ;

WHEREAS, the policy of the State to promote the general welfare and safeguard the basic rights of every prisoner incarcerated in the Philippine national penitentiaries was established through the enactment of Republic Act No. 10575, otherwise known as the “Bureau of Corrections Act of 2013;”

WHEREAS, the Bureau of Corrections (BUCOR) is mandated with the task of safekeeping and instituting reformation programs to inmates sentenced to more than three years pursuant to Republic Act No. 10575;

WHEREAS, the Bureau of Jail Management and Penology (BJMP) is granted the power to exercise supervision and control over all city and municipal jails pursuant to Republic Act No. 6975, otherwise known as the “Department of the Interior and Local Government Act of 1991;”

WHEREAS, despite the enforcement of numerous legal and institutional reforms in the country, the current state of the Philippine jail and prison system reveals systemic neglect, if not indifference, to the plight of people deprived of liberty and individuals in conflict with the law;

WHEREAS, the number of filled custodial positions increased disproportionately to the number of inmate population in BUCOR facilities, with the latter increasing by 120.24% from 18,747 in 1996 to 41,288 in 2016 while the former grew by only 69.11% from 1,188 to 2,009 during the same period^{iv};

WHEREAS, this disproportional increase in the custodial positions *vis-à-vis* the prison population strained the custodian deployment of the BUCOR, leaving one custodian handling the security and rehabilitation needs of 62 prisoners per eight-hour shift on the average;

WHEREAS, the increase in prison population was also left without the corresponding prison facilities improvement in the BUCOR, causing congestion rate to balloon from 17.10% in 1996 to 157.89% three decades later;

WHEREAS, the day-to-day affairs of 91,250 detainees and 2,711 inmates incarcerated in 464 BJMP-manned jails nationwide are left in the hands of 5,704 custodians and 2,485 escorts, leaving one custodian tending to the safekeeping of 49 detainees and inmates every eight-hour shift on the average^v;

WHEREAS, some 93,961 detainees and inmates are being housed in jail facilities built to accommodate only 18,881 detainees, pushing the average congestion rate up to 396.65%, with some jail facilities with congestion rates as high as 2,183.32%^{vi};

WHEREAS, the daily subsistence allowance of fifty pesos (P50.00) for every inmate in BUCOR and BJMP facilities has not been increased since Fiscal Year 2008, which will now only amount to less than forty pesos (P40.00) when adjusted to inflation^{vii};

WHEREAS, deteriorating living condition in jails and prisons exposes detainees and inmates to hazards like the onset of infectious disease epidemic, higher suicide rates, frequent inter-prisoner violence, and other similar predicaments;

WHEREAS, overcrowding and other problems in the Philippine corrections system could affect the security of the government jail and prison custodians, provide opportunities for acts of corruption, and cause the violation of the normative standards of jail and prison management;

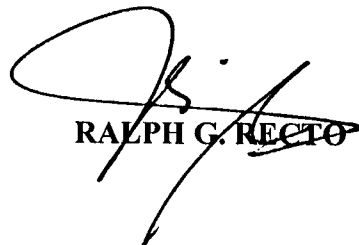
WHEREAS, the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has urged the Philippines to deal urgently with prison overcrowding and improve independent monitoring of places of detention^{viii};

WHEREAS, the move to reduce crime necessitates a functional corrections system that allows individuals to accept responsibility for their actions, repair and restore the harm such actions have brought to the victims and the community, and rehabilitate individuals to become productive members of the society;

NOW THEREFORE, BE IT RESOLVED, by the Philippine Senate, to direct the appropriate Senate committee to conduct an inquiry, in aid of legislation, on the worsening condition of the jail and prison facilities in the Philippines, with the intent of strengthening government mandate to uphold the dignity of the human person, to protect the rights and welfare of persons deprived of liberty, and to rehabilitate and reform individuals in conflict with the law.

Adopted,

mdg


RALPH G. RECTO

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- ⁱ Republic of the Philippines. (1987 February 2). The Constitution of the Republic of the Philippines. Manila: Republic of the Philippines.
- ⁱⁱ United Nations General Assembly. (1987 June 26). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. New York: United Nations.
- ⁱⁱⁱ United Nations General Assembly. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. New York: United Nations.
- ^{iv} Bureau of Corrections. (2016 June 30). Inmate Profile Statistics. Muntinlupa City: Bureau of Corrections.
- ^v Bureau of Jail Management and Penology. (2015 September). Number of Custodial and Escort Personnel. Quezon City: Bureau of Jail Management and Penology.
- ^{vi} Such is the case of Malolos City Jail which built to house six (6) prisoners in a 27m² cell area, but holds 137 detainees and inmates.
- ^{vii} Estimated 2008 value of P50 in 2016 is P38.88. Computed using the Philippine inflation from 2009-2016. Inflation rates were accessed at http://www.bsp.gov.ph/statistics/spei_new/tab34_inf.htm on 3 August 2016.
- ^{viii} UN Office of High Commissioner for Human Rights (2015). UN experts urge Philippines to tackle “chronic” prison overcrowding. Accessed at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16033> on 3 August 2016.