


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SENATE

P. S. RES. NO. 97

BY: 

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE CURRENT STATE OF JAILS AND PENITENTIARIES ALL OVER THE COUNTRY, WITH THE END VIEW OF INSTITUTING REMEDIAL LEGISLATIVE MEASURES THAT WOULD ENSURE THAT THE GOVERNMENT ACCOMPLISHES THE GOALS OF THE PENAL AND DETENTION SYSTEMS, INCLUDING THE PROTECTION OF THE RIGHTS AND WELFARE OF PERSONS DEPRIVED OF LIBERTY

Whereas, Article III, Section 19, paragraph 2 of the 1987 Constitution provides “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 law”;

Whereas, the inmates in many of the country’s jails and penitentiaries live miserable lives as the Government continuously and blatantly neglect and grievously abuse their being, as shown by their unspeakable, uncivilized, and inhumane condition;

Whereas, an article entitled “Imagine Dante’s Inferno: That’s It. Inside an Overcrowded Philippine Jail” written by Andrew Katz (<http://time.com/4438112/philippines-overcrowded-prison-manila-rodrido-duterte/>) presents a dreadful picture of hundreds of shirtless inmates densely cramped like sardines on the ground of an open basketball court taken inside a Quezon City jail. Such appalling image depicts the deplorable state of jails and penitentiaries in the country today where prisoners suffer more severe penalty of horrific and barbaric living condition than the actual penalty that is supposed to be meted out for the crimes they have committed;

Whereas, according to the Bureau of Jail Management and Penology (BJMP), the main agency that supervises city, district, municipal and provincial jails where detained prisoners, and convicted prisoners serving sentences of three years or less, as of September 2015, there are a total of 93,961 prisoners under its watch. This number actually represents 398% congestion rate in all the existing 461 jails in the

country which has an ideal capacity of 18,881 inmates, based on a 4.7 square meter area per prisoner limit; (source:www.bjmp.gov.ph);

Whereas, the same dismal reality exists among the prisoners in all the seven (7) existing penitentiaries, prisons or penal farms in the country which are all under the supervision of the Bureau of Corrections(BuCor) which is in "charge of safekeeping and instituting reformation programs to national inmates sentenced to more than three (3) years",per mandate of Section 4 of Republic Act 10575, or The Bureau of Corrections Act of 2013". According to a report, "*BuCor Jails (are) congested by as much as 249 percent* - x xx "<http://newsinfo.inquirer.net/634364/bucor-jails-congested-by-as-much-as-249-percent-report>, 1 September 2014). These include the inmates in the National Bilibid Prisons, Correctional Institution for Women, Davao Prison and Penal Farm, Sablayan Prison and Penal Farm, San Ramon Prison and Penal Farm, Leyte Regional Prison, Iwahig Prison and Penal Farm;

Whereas, this extreme overcrowding of prisoners in jails breeds a number of severe problems in jail management, including illness and poor hygiene among inmates; substandard sleeping accommodation; insufficiency or lack of adequate food provision; absence or deficient medical supplies and laboratory facilities; lack or inadequate potable water; defective or unsanitary comfort rooms; poor ventilation; to mention a few;

Whereas, there is likewise a steady source of tension and hostility among prisoners who are cramped into congested cell areas. Most gang wars erupt despite the presence of jail guards who often lack professional trainings, and who blatantly condone physical violence, torture, maltreatment and/or sexual harassment among the inmates;

Whereas, aside from the denial of rights to basic services, prisoners woes are exacerbated by the deprivation of their legal rights including the right to counsel, and the right to speedy trial that prolongs their agony in the abyss of their incarceration;

Whereas, there is an imperative need to look into this miserable state of our jails and penitentiaries, and the terrible and atrocious condition of our prisoners all over the country. They may have transgressed the bounds of laws and rules of our society, but prisoners are still human beings who deserve to enjoy the basic human rights to live decently and with dignity, pursuant to Article II, Section 11 of the 1987 Constitution which provides that "The State values the dignity of every human person and guarantees full respect for human rights."

Whereas, this issue becomes even more urgent and crucial considering the intensified drive of the Government against criminality, and the relentless fight against the evil effects of illegal drugs that continuously creep into our system;

Whereas, there must be a resolved commitment on the part of the Government to observe the guidelines set forth under the standards minimum rules for the treatment of prisoners, as adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and was revised and adopted as the Nelson Mandela Rules, the enumeration of rights of prisoners under the International Covenant on Civil and Political Rights (ICCPR), Convention

Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and all other relevant international human rights instruments to which the Philippines is a signatory, and the mandates of Republic Act 7438 or An Act Defining Certain Rights of Persons Arrested, Detained or Under Custodial Investigation as well as Duties of the Arresting, Detaining and Investigating Officers, and Republic Act 9745, or An Act Penalizing Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and Prescribing Penalties Therefor.

NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to direct the Senate Committee on Justice and Human Rights to conduct an inquiry, in aid of legislation, into the current state of jails and penitentiaries all over the country, with the end view of instituting remedial legislative measures that would ensure that the Government accomplishes the goals of the penal and detention systems, including the protection of the rights and welfare of persons deprived of liberty.

Adopted,


LEILA M. DE LIMA