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SENATE
P.S. Res. No. 773

RESOLVED

Introduced by Senator Grace Poe

RESOLUTION

URGING THE SENATE COMMITTEES ON JUSTICE AND HUMAN RIGHTS, PUBLIC ORDER AND DANGEROUS DRUGS, AND OTHER APPROPRIATE COMMITTEE/S TO CONDUCT A COMPREHENSIVE INQUIRY, IN AID OF LEGISLATION, APROPOS THE ACTUAL STATUS OF THE COUNTRY'S JAILS WITH THE END GOALS OF REDUCING OVERCROWDING, FORMULATING MEASURES TO EFFECT MEANINGFUL AND REASONABLE SEGREGATION OF DETAINEES/INMATES, ENSURING HUMANE AND HEALTHY LIVING CONDITIONS, MAINTAINING ADHERENCE TO THE PRINCIPLES OF RESTORATIVE JUSTICE SYSTEM AND TO STUDY THE APPROPRIATE FEASIBILITY OF PRIVATIZING JAIL MANAGEMENT

1 **WHEREAS**, Section 11 of Article 2 of the Constitution provides that "the
2 State values the dignity of every human person and guarantees full respect for
3 human rights";

4 **WHEREAS**, Section 19 (1) of Article 3 of the Constitution even states that
5 "excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment
6 inflicted";

7 **WHEREAS**, based on the Annual Audit Report of the Commission on Audit
8 (COA) that was released on 15 June 2017, the country's jails are overcrowded by an
9 astounding 511%;¹

10 **WHEREAS**, according to the above COA report, "as of 31 December 2016,
11 the Bureau of Jail Management and Penology (BJMP) has a total jail population of
12 126,946, which exceeded the total ideal capacity of 20,746, having a variance of
13 106,200";²

¹ <https://www.philstar.com/headlines/2017/06/16/1710773/coa-philippines-jails-511-congested>

² <https://www.philstar.com/headlines/2017/06/16/1710773/coa-philippines-jails-511-congested>

1 **WHEREAS**, based on the website of the BJMP, as of 31 January 2017, its jail
2 population has reached 131,923 nationwide and still continues to grow by the
3 minute. The more saddening part is this: of the 131,923 inmates, 128,960, or a
4 whopping 97.7% of the total jail population, are detainees "awaiting trial,
5 undergoing trial, or awaiting final judgment. The remaining 2,570 are the inmates
6 who were already sentenced via final judgement;³

7 **WHEREAS**, with the above overcrowding of our jails, we only have a
8 miserable 1 is to 56 guard to inmate ratio based on the data from the Bureau of
9 Corrections (BuCor) as of 30 June 2017. Moreover, BuCor data shows that the per
10 capita subsistence of an inmate per day is pegged at Php50.00 only;⁴

11 **WHEREAS**, the above-illustrated overcrowding of our jails, lack of sufficient
12 jail guards and the pitiful Php50.00 allocation per inmate per day had led to
13 continuing problems in our jails such as the following:

- 14 a. Jails' non-compliance with the BJMP's own "Manual on Habitat,
15 Water, Sanitation and Kitchen in Jails" and with the "United
16 Nations Minimum Standard Rules for the Treatment of
17 Prisoners", resulting in unhealthy living conditions;⁵
- 18
- 19 b. Increased gang affiliation of inmates;⁶
- 20
- 21 c. Death of inmates/detainees due to gang violence and criminal
22 activities;
- 23
- 24 d. Lack of comprehensive and uniform measures of segregation of
25 inmates (e.g. detainees awaiting trial, detainees with pending
26 appeals, sentenced inmates, inmates who had committed, light,
27 serious, grave offenses, or heinous crimes, first time offenders,
28 recidivists, youth, elderly, etc.);
- 29

³ <https://www.bjmp.gov.ph/datstat.html>

⁴ <http://www.bucor.gov.ph/inmate%20profile%20statistics.html>

⁵ <http://www.manilatimes.net/congestion-threatens-inmates-health/333216/>

⁶ <http://www.manilatimes.net/congestion-threatens-inmates-health/333216/>

1 e. Disease outbreaks; and

2
3 f. Lack of medical personnel to tend to inmates/detainees with
4 illnesses;

5
6 **WHEREAS**, the above-cited conditions and problems plaguing our jails makes
7 it difficult, if not already impossible, for the country to abide by its restorative justice
8 system – “the goal of the government is to establish a more enlightened and
9 humane correctional system that will promote the reformation of offenders and
10 thereby reduce the incidence of recidivism”;⁷

11 **WHEREAS**, the State needs to re-assess the actual living conditions in its
12 jails to ensure that it still serve and uphold the principles of restorative justice – to
13 reform those who have committed wrong-doings and re-integrate them to be a
14 reformed, productive and worthy members of the society;

15 **WHEREAS**, it is worthy for the Committee and for the relevant offices in the
16 Executive Department to study privatizing jail management or a segment of it
17 considering that prison privatization has happened in a number of
18 countries in an attempt to decrease correctional expenditures and
19 reduce prison overcrowding:

- 20
- 21 • A number of countries including Japan, Brazil, South Africa,
22 Scotland, New Zealand, Australia, United States have engaged in
23 some level of prison privatization.⁸
 - 24 • While the United States maintains the highest total number of
25 privately held prisoners, Australia, Scotland, and New Zealand hold
26 a larger proportion of prisoner in private facilities.⁹
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⁷ <https://probation.gov.ph/restorative-justice/>

⁸ <https://sentencingproject.org/wp-content/uploads/2015/12/International-Growth-Trends-in-Prison-Privatization.pdf>

⁹ <https://sentencingproject.org/wp-content/uploads/2015/12/International-Growth-Trends-in-Prison-Privatization.pdf>

1 **WHEREAS**, similarly, concerns were also raised against prison
2 privatization, viz:

- 3
- 4 • Studies in the United States have found that the profit motive of
5 private prisons leads to an emphasis on revenue and cost saving,
6 rather than providing quality service, including healthcare and
7 hygiene. These factors can lead to volatile environments that are
8 more prone to abuse, violence, injury, and death. These
9 deficiencies have allegedly contributed to several riots and
10 alleged abuse at immigration detention centers in Australia.¹⁰
 - 11 • In Brazil, the Prison Ministry published a report in 2014 based on
12 visits to eight (8) privatized prisons in six (6) different Brazilian
13 states, managed by five (5) different companies. The results are
14 as follows:
 - 15 ○ The costs/benefits of privatization have not been beneficial for
16 the public administration;
 - 17 ○ The allocation of resources to privatized units reduces the
18 amount transferred to publicly-run prisons;
 - 19 ○ The privatization of prisons is a result of the lack of alternative
20 criminal policies which would be less harsh on people in
21 conflict with the law;
 - 22 ○ There is a high turnover of staff in the privatized prisons, with
23 low wages and few or no qualifications for work in the
24 prisoners' custody service;
 - 25 ○ There is a lack of transparency in the process of privatization
26 of prisons;

¹⁰ <https://sentencingproject.org/wp-content/uploads/2015/12/International-Growth-Trends-in-Prison-Privatization.pdf>

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NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines, to urge the senate committees on justice and human rights, public order and dangerous drugs, and other appropriate committee/s to conduct a comprehensive inquiry, in aid of legislation, apropos the actual status of the country's jails with the end goals of reducing overcrowding, formulating measures to effect meaningful and reasonable segregation of detainees/inmates, ensuring humane and healthy living conditions, maintaining adherence to the principles of restorative justice system and to study the appropriate feasibility of privatizing jail management.

Adopted.



GRACE POE