



Supreme Court of the Philippines
United Nations Development Programme



National Survey of Inmates & Institutional Assessment

FINAL REPORT

July 2003

(PRM)CONSULTANTS, INC.

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EXECUTIVE SUMMARY

1 BACKGROUND

1.1 Overview

- 1.1.1 The National Survey of Inmates is a project of the Supreme Court of the Philippines, implemented in partnership with key stakeholders in the criminal justice system. The project is funded under the Portfolio on Enabling Environment: Poverty Reduction through Good Governance of the Government of the Philippines and the United Nations Development Programme. The project has two components: (1) Survey of Inmates; and (2) Institutional Capacity Assessment of the Bureau of Jail Management and Penology (BJMP) and the Parole and Probation Administration (PPA).
- 1.1.2 The Project seeks to (a) generate baseline information on the access to justice of inmates prior to and during their detention and confinement in national penitentiaries and provincial, district, city and municipal jails; and (b) assess the institutional capacity of key agencies involved in the correction pillar of the criminal justice system, particularly the BJMP and PPA. The Project focuses on prisoners and detainees, a group which is considered vulnerable to violations/deprivation of rights to equitable access to justice.

1.2 Survey of Inmates

- 1.2.1 The survey of inmates is a national study covering representative samples from persons in confinement in national penitentiaries and in provincial, district, city and municipal jails. The survey determines the level of general knowledge of and understanding by inmates of their rights, legal protection and remedies, and the status of their cases. The survey also ascertains the attitudes and perception of inmates towards the justice system and adequacy of information on the operation of the justice system, rights and entitlements, legal remedies, and complaint/redress mechanisms.
- 1.2.2 Likewise, inmates' perception on critical issues as adequacy of legal defense, unlawful or unreasonable delays, remedies available to inmates, and adequacy of protection for juvenile and women offenders. The survey finally seeks recommendations and suggestions from respondent-inmates on the establishment of an appropriate justice system accessible by the poor. The survey does not cover parolees, pardonees and probationers. It likewise does not generally include youth offenders. The survey is specifically designed to determine access to justice by adult inmates confined in correction institutions.

1.3 Institutional Assessment

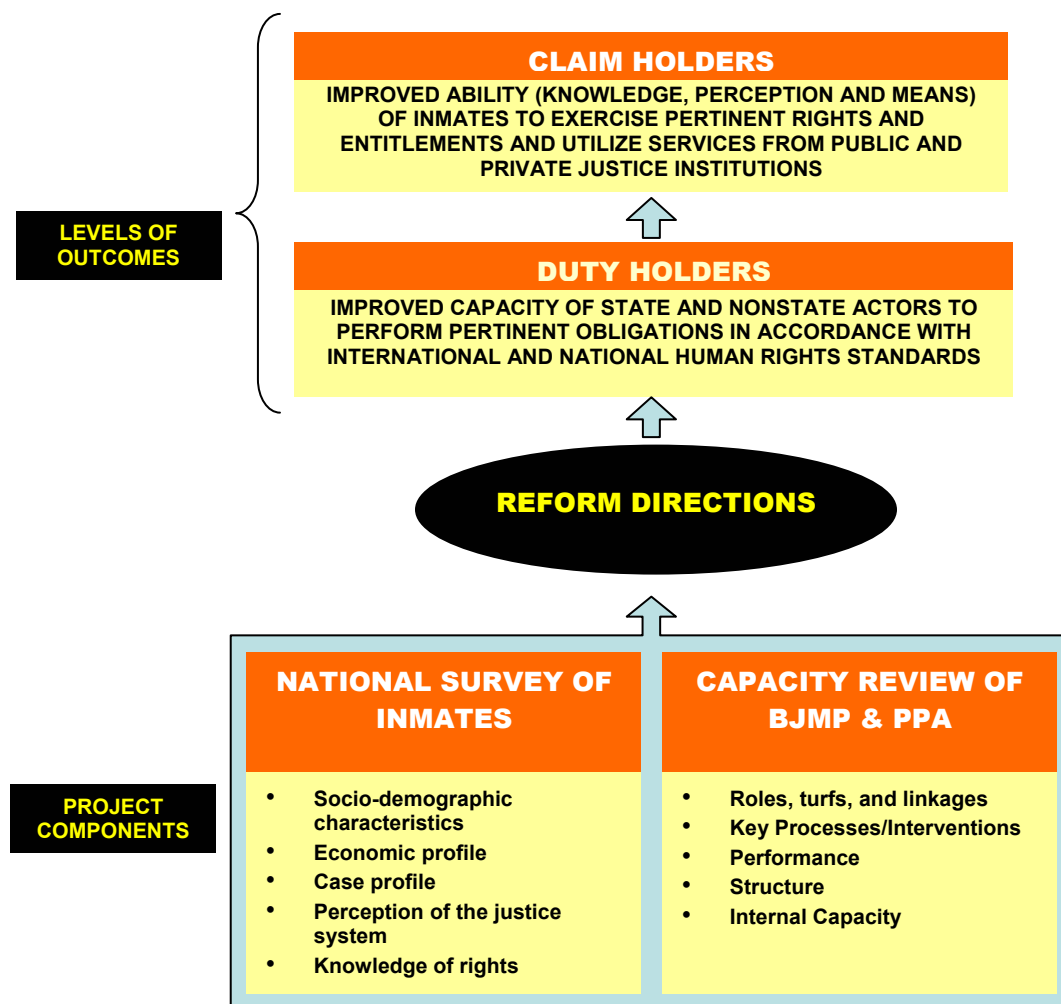
- 1.3.1 The institutional assessment component of the project focuses on the review of the BJMP and PPA which are among the key agencies of the national government involved in the administration and operation of the Philippine Corrections System. The BJMP and PPA are likewise performing critical roles to ensure equal access to justice by inmates.
- 1.3.2 The BJMP, which is under the DILG, directs, supervises and controls district, city and municipal jails nationwide. It is responsible for the safe custody and rehabilitation of inmates who are convicted with short-term prison sentence (i.e., 3 years or less) and those who are awaiting trial or final judgment by the court.
- 1.3.3 The PPA administers the parole and probation system of the country. It conducts investigation of inmates applying for parole, probation and executive clemency, and supervises and monitors those who have already been released from incarceration through the different early release schemes.

1.4 Project is Explicitly Linked to Access to Justice

- 1.4.1 The overarching objective of the National Survey of Inmate is the improvement in access to justice by citizens, particularly the poor and the disadvantaged. Inmates are considered vulnerable to suffer from limitations, restrictions or constraints in utilizing services of public and private justice institutions. The project assesses the level of access to justice by inmates and identify institutional arrangements that may facilitate or constrain inmates rights to prompt and impartial response from justice institutions.
- 1.4.2 Figure 1 depicts the linkage of the project in improving access to justice at two levels of outcomes – duty holder level and claim holder level. Duty holders include state and non-state actors who have the obligation to respect, protect and fulfill the rights of inmates in accessing services of justice institutions. The policies, institutional arrangement, internal processes, and key services and interventions of duty holders, particularly the BJMP and PPA, are assessed based on their capacity to respond to inmates' access to justice needs and demands. Inmates are seen from a human rights perspective as legitimate claim holders endowed with fundamental rights which can not be abrogated and other entitlements which may be progressively realized. Their knowledge, perception and means are determined through the survey component of the Survey of Inmates Project.
- 1.4.3 As illustrated in the figure, the two components of the project are not discrete in any way but conjoined by a human rights framework that recognizes the linkage of the capacity of duty holder to fulfill their obligation and the ability of claim holders to exercise their rights and utilize services of justice institutions. Reforms that will be

generated from the study are primarily directed to achieve these two levels of outcomes on access to justice.

FIGURE 1
LINKAGE TO ACCESS TO JUSTICE



2 SURVEY RESULTS AND ANALYSIS

- 2.1.1 Findings on the status of access to justice of inmates are based on a survey of 1,714 inmates from 24 correctional institutions consisting of provincial jails (6), municipal jails (2), city jails (11), national prisons (3), and rehabilitation centers (2). The response rate is 95%, hence 1,629 survey results were processed. For purposes of analysis, the city and municipal jails and rehabilitation centers were clustered into either “jails within NCR” or “jails outside NCR”. A separate category for “provincial jails” and “national prisons”, irrespective of their location, was created.

Socio-demographic features and case profile

2.1.2 The socio-demographic, economic features and case profile of a male and a female Inmate under each of the four jail/prison categories are summarized IN table 1:

TABLE 1
SOCIO-DEMOGRAPHIC, ECONOMIC AND CASE PROFILE

Jail Category	Male Inmate	Female Inmate
Jails within NCR	<ul style="list-style-type: none"> • Mean age is 30; median age is 29 • Single • High school – undergraduate • Roman Catholic • Speaks Tagalog at home • Born in the same place where detained or in other Luzon provinces • Employed before detention • Mean duration from the date of arrest until last hearing of case is 1.1 years 	<ul style="list-style-type: none"> • Mean age is 36; median age is 34 • Married • High school – undergraduate • Roman Catholic • Speaks Tagalog at home • Born in the same place where detained on in other Luzon provinces • Employed before detention • Mean duration from the date of arrest until last hearing of case is 1.1 years
Jails outside NCR	<ul style="list-style-type: none"> • Mean age is 30; median age is 28 • Single • High school – undergraduate • Roman Catholic • Speaks Tagalog at home • Born in the same place where detained • Employed before detention • Mean duration from the date of arrest until last hearing of case is 1.3 years 	<ul style="list-style-type: none"> • Mean age is 34; median age is 33 • Married • High school – undergraduate • Roman Catholic • Speaks Tagalog at home • Born in the same place where detained • Employed before detention • Mean duration from the date of arrest until last hearing of case is 1.3 years
Provincial Jails	<ul style="list-style-type: none"> • Mean age is 35; median age is 33 • Married • Elementary – undergraduate • Roman Catholic • Speaks Cebuano/Bisaya at home • Born in the same place where detained and other Visayan provinces • Mean duration from the date of arrest until last hearing of case is 3 years 	<ul style="list-style-type: none"> • Mean age is 35; median age is 35 • Married • Elementary – graduate • Roman Catholic • Speaks Cebuano/Bisaya at home • Born in the same place where detained and other Visayan provinces • Mean duration from the date of arrest until last hearing of case is 3 years
National prisons	<ul style="list-style-type: none"> • Mean age is 37; median age 37 • Married • Elementary – undergraduate • Roman Catholic • Speaks Tagalog at home • Born in the same place where detained and other Luzon and Mindanao provinces • Employed before detention • Mean duration from the date of arrest until last hearing of case is 3.2 years 	<ul style="list-style-type: none"> • Mean age is 43; median age is 43 • Married • College – graduate • Roman Catholic • Speaks Tagalog at home • Employed before detention • Born in the same place where detained and other Luzon and Mindanao provinces • Mean duration from the date of arrest until last hearing of case is 3.2 years

Knowledge of Legal Remedies and Attitudes Towards the Justice System

- 2.1.3 On knowledge of any agency that helps the poor when they have cases in court and when they cannot afford to pay lawyers for the purpose, the survey indicates that only one out of five inmates in city jails within NCR and the national prisons know that such mechanism exists. Inmates in jails outside NCR likewise know that there are agencies that provide legal assistance. However, those that are in other jails are not aware of any agency which can provide them legal assistance. Only one-fourth of the total number of inmates surveyed knows of any office where one could lodge his complaints against delays in the prosecution of cases in court.
- 2.1.4 Generally, inmates are aware of certain legal remedies and options that are available to them such as the right to bail, serving of search warrant, right to legal counsel, and presence of laws and rules on the protection of juvenile offenders and women. However, about 53% male and 60% female inmates in the national prisons do not know their right against involuntary admission. A big percentage of inmates indicate that they are not aware of the appropriate procedures to follow upon detention.

Major Barriers to Equitable Access to Justice

- 2.1.5 The survey is able to crystallize the major barriers to equitable access to justice by inmates which include the following:
- Scarcity of legal services/assistance for prisoners and detainees who lack sufficient income
 - Complexity of the judicial system, delay in legal proceedings and poor quality of information about legal processes
 - Lack of knowledge and understanding by inmates of the justice system, which includes widespread distrust and low levels of confidence of the justice system

3 INSTITUTIONAL AND CAPACITY ASSESSMENT

Government, civil society and business sector as major actors in the correction system

- 3.1.1 The Philippine correction system is comprised of the institutions in the government, civil society and the business sector, involved in the confinement, correction, and restoration of persons charged for and/or convicted of delinquent acts or crimes. The public sector formulates policies and delivers direct correctional services; the civil society provides support services, advocacy and social mobilization; while the business sector offers opportunities for improved efficiency and exit options.

Institutional arrangements in the public sector

- 3.1.2 The institutional arrangements in the public sector is a network of 3 departments and 6 agencies of the National Government and 1,344 provincial, city, district and municipal prisons and jails situated all over the country.
- 3.1.3 The agencies involved in the confinement/safekeeping and correction of offenders are the Bureau of Corrections (BuCor) for national penitentiaries; Bureau of Jail Management and Penology (BJMP) for city, municipal and district jails; Philippine National Police (PNP) which directly runs about 61% of the total jail facilities within the jurisdiction of the BJMP; the Department of Social Welfare and Development (DSWD) which maintains regional rehabilitation centers for juvenile delinquents; and the Provincial Governments which exercise supervision and control over provincial and sub-provincial jails for offenders convicted with a prison sentence of six months and one day to three years and detainees whose cases are being tried by regional trial courts.
- 3.1.4 The process of restoration is a component of the Philippine correction and rehabilitation system. It involves the mainstreaming/re-integration of rehabilitated or qualified offenders in the society as productive and law abiding citizens. The Parole and Probation Administration (PPA) is a focal agency in the restoration process as it is primarily tasked to administer the parole and probation system of the country. The Board of Pardons and Parole (BPP) is, on the other hand, authorized by law to grant parole to qualified prisoners, and recommends to the President of the Philippines the grant of executive clemency in the form of reprieve, commutation of sentence, conditional pardon and absolute pardon
- 3.1.5 The following are the issues identified on the correction system, focusing on the interventions of the BJMP and PPA:
- Diffusion of jail management and supervision functions creates inefficiencies in the administration of the corrections system
 - BJMP's direction towards centralization and nationalization of all local jails is not consistent with the government policy of deepening devolution, enhancing capacity of the LGUs, and people empowerment.
 - Sharing of responsibilities between BJMP and PNP dilutes accountability and undermines the effectiveness of rehabilitation programs. Shared accountability is zero accountability. The BJMP and PNP have no principal-agent relationship.
 - Imbalance or disparity in the custodial force and jail population poses threats to the security of jails and the community at large
 - Jail congestion is central to jail operation and management problems as it leads to other problems, including human rights abuses

- Deficiencies in accessing exit opportunities through public-private partnership or divestment of correction and rehabilitation functions to civil society organizations and private enterprises

4 REFORM IMPLICATIONS

4.1.1 The policy implications on the issues on access to justice of inmates are as follows:

- Need to address judicial process delays and the lack of information on the government's legal aid program, remedies, rights and entitlements, and legal aid procedures
- Need to reaffirm inmates' rights to information
- Need for a comprehensive program to reorient/re-tool and sensitize law enforcers, jail guards, and public lawyers on access justice issues and the basic rights/entitlements of prisoners and detainees
- Need to rebuild inmates' trust and confidence on the justice system

4.1.2 The institutional reform directions on the other hand are towards the development and implementation of an integrated system of correction and rehabilitation. This would specifically involve the following:

- Establishment and implementation of a strong oversight mechanism to be responsible for the formulation of overall policy framework on correction and rehabilitation of inmates, as well as strict enforcement of national and international standards on prison and jail management and human rights of inmates
- Development of a unified and coherent set of policies, standards, rules and procedures on prison and jail management and parole, probation and pardons administration
- Highly decentralized operations on correction and rehabilitation with direct delivery of services lodged primarily with LGUs
- Strong public-private sector partnership and community involvement in correction and rehabilitation activities

1

OVERVIEW AND RESEARCH FRAMEWORK

1 INTRODUCTION

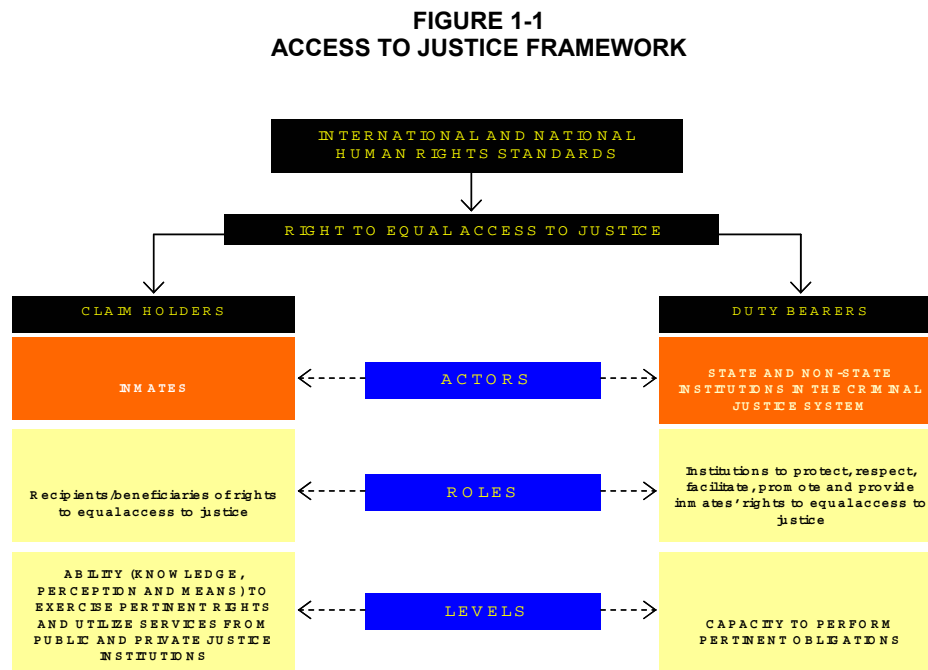
- 1.1.1 The National Survey of Inmates is a project of the Supreme Court of the Philippines, implemented in partnership with key stakeholders in the criminal justice system. The project is funded under the Portfolio on Enabling Environment: Poverty Reduction through Good Governance of the Government of the Philippines and the United Nations Development Programme. The project has two components: (1) Survey of Inmates; and (2) Institutional Capacity Assessment of the Bureau of Jail Management and Penology (BJMP) of the Department of the Interior and Local Government (DILG), and the Parole and Probation Administration (PPA) under the Department of Justice (DOJ).
- 1.1.2 This section provides details on the context and design of the project. It presents the framework, principles and parameters which comprise the philosophical foundation of the entire study. It likewise presents the approaches and methodologies in conducting the national survey of inmates and capacity assessment of the BJMP and PPA.

2 ACCESS TO JUSTICE FRAMEWORK

- 2.1.1 The National Survey of Inmates is undertaken within the context of a rights-based approach in enhancing access to justice. Access to justice is a means to prevent and overcome human poverty by strengthening disadvantaged people's choices to seek and obtain a remedy for grievances, and thus effectively levelling-off the playing field in the pursuit of human development. The rights-based approach draws from the norms, standards and principles captured in the UN Charter, the Universal Declaration of Human Rights and subsequent human rights conventions/treaties and instruments, subscribed to by the Philippines and embodied in the Constitution and several legislations. UNDP identifies the following objectives in using the rights-based perspective on access to justice:
- To focus the problem on the immediate causes impeding access (lack of safeguards to access or insufficient performance of them);
 - To define claim holders of rights on access to justice affected (the poor and other people who are disadvantaged);

- To define duty bearers who are in the position to ensure performance of obligations (institutions, groups and individuals); and
- To focus analysis on capacities of claim holders and duty bearers.

2.1.2 Figure 1-1 presents the access to justice framework based on a rights-based perspective:



2.1.3 “Access to justice” refers to the ability of persons from disadvantaged groups to seek and obtain a legal remedy in conformity with relevant international human rights standards. Equal access means that such ability is not limited or constrained by gender, ethnic, political sympathy, religious preference, socio-economic class, age, legal freedom restriction, or physical incapacity. In the Philippines, disadvantaged groups include women, minors, persons with physical/mental impairment, indigenous groups, urban poor, rural poor, prisoners and detainees and minorities. Legal remedies include quasi-judicial and judicial services available to citizens, through public and private justice institutions, to resolve social conflicts.

2.1.4 Justice services must be rendered in accordance with the norms, standards and principles embodied in national and international human rights instruments. While it has been noted that few human rights treaties mentions explicitly “access to justice”, these instruments have contributed to emerging rights in several areas associated with the concept of access to justice (Sinnar, 2003). The key sources of these norms, standards and principles include (1) the 1948 Universal Declaration of Human Rights, the most widely accepted international statement of human rights principles;

(2) the 1966 International Covenant on Civil and Political Rights; (3) a range of declaration adopted by the UN General Assembly or other international organizations; and (4) the Constitution and statutes which spell out civil rights guarantees and often incorporate the provision of international law.

3 PROJECT CONTEXT

- 3.1.1 The National Survey of Inmates is undertaken within the context of the development strategies on reforming the justice sector and strengthening access to justice by the disadvantaged. These strategies are articulated in the Medium-Term Philippine Development Plan (MTPDP) for 2001-2004, the Action Program on Judicial Reform, and the GOP-UNDP Portfolio on Enabling Environment: Poverty Reduction through Good Governance. The project therefore complements ongoing reform efforts in the Judiciary and other pillars of justice.

Philippine Development Strategy and Justice Sector Reforms

- 3.1.2 The MTPDP for 2001-2004 explicitly identifies poverty, social exclusions and marginalization as the root causes of the country's peace and order problems. Lawlessness, internal and social conflicts, and criminality impede investments, wealth creation, and productivity, thereby adversely affecting the country's economic development and growth.
- 3.1.3 A major strategy identified in the MTPDP to enhance peace and order is to reform the five pillars of the criminal justice system, i.e., courts, prosecution, law enforcement, corrections and the community, while reorienting state and non-state actors on their obligations to respect, protect and fulfill human rights.
- 3.1.4 To achieve the common vision of providing speedy, impartial and accessible system of justice to all, the MTPDP recognizes that need for better coordination and convergence of the five pillars of the criminal justice system. This requires comprehensive, all encompassing and well coordinated reform program that attends to the different components of the system which are handled by various organizational actors.

GOP-UNDP Programme on Judicial Reform

- 3.1.5 The Government of the Philippines (GOP) and the United Nations Development Programme (UNDP) formulated a Governance Portfolio directed towards contributing to the substantive reduction of poverty in the country. In order to attain this goal, focus shall be given to the capacity development of government, civil society and the private sector to create an enabling environment for governance reforms at all levels. Reforms to be pursued in key strategic points shall mainstream perspectives and approaches on globalization, human rights and gender. The portfolio contains project and project components for nine strategic programmes.
- 3.1.6 One of the nine programmes contained in the Portfolio is the Programme on Judicial Reform, which seeks to strengthen access to justice by the disadvantaged in the Philippines. The Programme is comprised of project and project components that

would enhance the capacities of key government institutions to initiate reforms in the justice system. Particular attention is given to the capacity development of the state to fulfill its obligations to promote, respect and protect the rights of the poor and the marginalized. The Programme also supports civil society organizations to enhance the soundness and pace of judicial reforms.

Reforms of the Judiciary and Other Pillars of Justice

- 3.1.7 The Supreme Court of the Philippines, together with other key stakeholders, is currently implementing the Action Program on Judicial Reform (APJR), 2001-2006, comprising of wide-ranging and comprehensive reform strategies intended to enhance judicial systems and procedures, structure, technology, financial management and fiscal autonomy for the Judiciary. The Department of Justice (DOJ) is pursuing complementary reforms in the “other pillars of justice” under its jurisdiction. This will involve the strengthening of the National Bureau of Investigation (NBI), National Prosecution Service (NPS), Public Attorney’s Office (PAO), and the Bureau of Corrections (BuCor), Board of Pardons and Parole, and the Parole & Probation Administration (PPA).

Need for Holistic Reform of the Justice System

- 3.1.8 Lessons emerging from ongoing reform efforts in the Judiciary and Other Pillars of Justice point to the need for a more holistic reform of the justice system that would involve the strengthening of other key agencies, like the Bureau of Jail Management and Penology (BJMP), the Philippine National Police (PNP), and the Barangay Justice System which is the community’s mechanism to enforce responsible citizenship and diffuse social conflicts. The National Survey of Inmates complements existing reform efforts by developing an efficient and effective system of justice that involves the appropriate synchronization and convergence of organizations, operating systems, policies, programs, and resources, of all agencies and actors involved in the system.

4 OBJECTIVES AND FOCUS

- 4.1.1 The overall objective of the Project is to support the envisioned outcome of enhancing access to justice, particularly by the poor and disadvantaged sectors of society. To achieve this objective, the Project seeks to (a) generate baseline information on the access to justice of inmates prior to and during their detention and confinement in national penitentiaries and provincial, district, city and municipal jails; and (b) assess the institutional capacity of key agencies involved in the correction pillar of the criminal justice system, particularly the BJMP and PPA.
- 4.1.2 Specifically, the Project focuses on prisoners and detainees, a group which is considered one of the most vulnerable to violations of their rights to equitable access to justice. The survey will assess knowledge, perception and means of inmates in exercising their rights and in availing of legal services.

- 4.1.3 The BJMP and PPA are two of the agencies that have been identified as critical in ensuring equal access to justice by inmates. The BJMP, which is under the Department of the Interior and Local Government, directs, supervises and controls district, city and municipal jails nationwide. The BJMP is responsible for the safe custody and rehabilitation of inmates who are convicted with short-term prison sentence (i.e., 3 years or less) and those who are awaiting trial or final judgment by the court. On the other hand, PPA administers the parole and probation system of the country. It conducts investigation of inmates applying for parole, probation and executive clemency, and supervises and monitors those who have already been released from incarceration through the aforesaid early release schemes.
- 4.1.4 Access to justice, particularly by inmates, is a human rights issue. The Philippines is a party to specific international human rights instruments which provide the norms, standards and principles that seek to protect the basic rights of prisoners and detainees. Some of these standards and principles are already reflected in the jurisprudence, particularly in the Bill of Rights and other statutes, rules and regulations. The independent Commission on Human Rights, created under the Constitution, exercises visitorial powers over jails, prisons and detention facilities to ensure that the human rights of inmates are protected, promoted and respected and to monitor the government's compliance with the aforesaid human rights instruments, among others.

5 PROJECT COMPONENTS, SCOPE AND OUTPUTS

Survey of Inmates

- 5.1.1 The survey of inmates is a national study covering representative samples from persons in confinement in national penitentiaries, and provincial, district, city and municipal jails. The survey determines the level of general knowledge of and understanding by inmates of their rights, legal protection and remedies, and the status of their cases. The survey also ascertains the attitudes and perception of inmates towards the justice system and adequacy of information on the operation of the justice system, rights and entitlements, legal remedies, and complaint/redress mechanisms. Likewise, inmates' perception on critical issues as adequacy of legal defense, unlawful or unreasonable delays, remedies available to inmates, and adequacy of protection for juvenile and women offenders. The survey finally seeks recommendations and suggestions from respondent-inmates on the establishment of an appropriate justice system accessible by the poor.
- 5.1.2 The survey does not cover youth offenders, parolees, pardonees and probationers. The survey is designed to determine access to justice by inmates confined in institutional facilities.

Institutional Capacity Assessment

- 5.1.3 The institutional assessment component of the Project focuses on the review of the BJMP and PPA which are among the key agencies of the national government involved in the administration and operation of the Philippine Corrections System. Specifically, the capacity of BJMP and PPA in undertaking their mandated functions

and in enhancing access to justice by inmates will be examined in relation to the internal and external environments within which the aforesaid agencies operate.

Outputs and Deliverables

- 5.1.4 The outputs/deliverables of this three-month project consist of a research design which includes a detailed research plan, methodology, processing and analysis of data; encoded, processed and analyzed survey results; and a report on the results of the survey and institutional assessment of the corrections pillar, focusing on the BJMP and PPA.
- 5.1.5 Another activity output under the Project is the conduct of a roundtable discussion to validate the findings and recommendations of the consultant with selected stakeholders.

6 RESEARCH FRAMEWORK AND METHODOLOGY

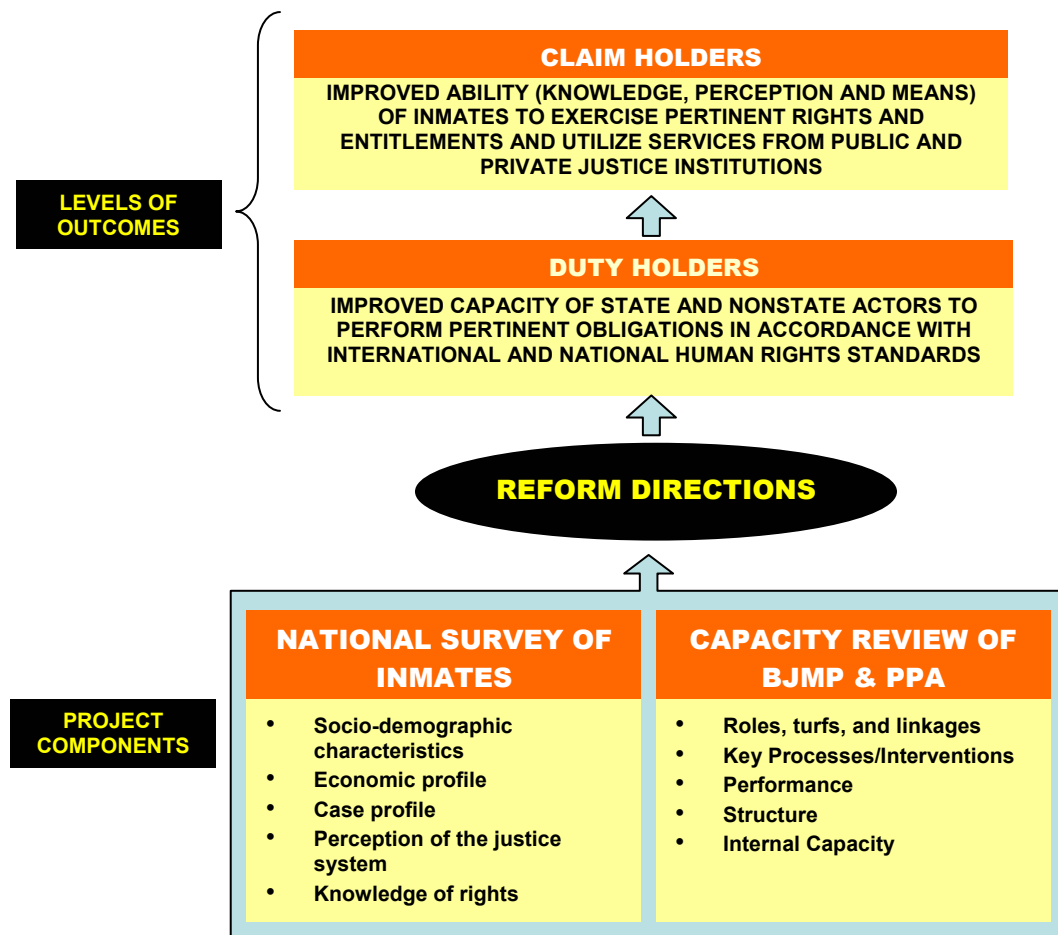
6.1 Principles and Parameters

- 6.1.1 The overarching objective of the National Survey of Inmate is the improvement in access to justice by citizens, particularly the poor and the disadvantaged. Inmates are considered vulnerable to suffer from limitations, restrictions or constraints in utilizing services of public and private justice institutions. The project will assess the level of access to justice by inmates and identify institutional arrangements that may facilitate or constrain inmates' rights to prompt and impartial response from justice institutions.

Explicit Link to Access to Justice

- 6.1.2 Figure 1-2 depicts the linkage of the Project in improving access to justice at two levels of outcomes – duty holder level and claim holder level. Duty holders include state and non-state actors who have the obligation to respect, protect and fulfill the rights of inmates in accessing services of justice institutions. The policies, institutional arrangement, internal processes, and key services and interventions of duty holders, particularly the BJMP and PPA, will be assessed based on their capacity to respond to inmates' access to justice needs and demands. Inmates are seen from a human rights perspective as legitimate claim holders endowed with fundamental rights which can not be abrogated and other entitlements which may be progressively realized. Their knowledge, perception and means are determined through the survey component of the Project.

**FIGURE 1-2
LINKAGE TO ACCESS TO JUSTICE**



- 6.1.3 As illustrated in the above figure, the two components of the project are not discrete in any way but conjoined by a human rights framework that recognizes the linkage of the capacity of duty holder to fulfill their obligation and the ability of claim holders to exercise their rights and utilize services of justice institutions. Reforms that will be generated from the study are primarily directed to achieve these two levels of outcomes on access to justice.
- 6.1.4 The National Survey of inmates is therefore guided by rights-based approach, justice system, and access to justice principles, which prescribe the nature of rights and entitlements of inmates as claim holders and members of the disadvantaged sectors, and the character of corrections agencies/institutions and their level of obligations as duty holders. Agencies are likewise assessed based on organization principles and parameters, which prescribe the standards of a well performing organization.

Rights-Based Approach to Development (RBA)

6.1.5 The rights-based approach (RBA) to development is a conceptual framework for the process of human development that is normatively based on international and national human rights standards and operationally directed to promote and protect human rights, which include civil, political, economic, social and cultural rights. The RBA includes the following elements:

- **EXPRESS LINKAGE TO RIGHTS** – The rights-based approach creates normative links to human rights which are universal, indivisible, interdependent and interrelated. It integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development. The norms and standards are those contained in the UN Charter, the Universal Declaration of Human Rights and subsequent human rights conventions/treaties and instruments, subscribed to by the Philippines and embodied in the Constitution and several legislations. The principles include equality and equity, accountability, empowerment and participation.
- **ACCOUNTABILITY** – Human rights are legally enforceable entitlements of claim-holders which must be respected, protected and fulfilled by duty-holders. The rights-based approach intends to raise levels of accountability in the development process by identifying claim-holders (and their entitlements) and corresponding duty-holders (and their obligations). Duty-holders include the full range of relevant actors: individuals, States, local organizations and authorities, private companies, aid donors and international institutions. The rights based approach calls for the development of adequate laws, policies, institutions, administrative procedures and practices, and mechanisms of redress and accountability that can deliver on entitlements, respond to denial and violations, and ensure accountability. They call for the translation of universal standards into locally determined benchmarks for measuring progress and enhancing accountability. States must have both the political will and the means to ensure the realization of human rights, and they must put in place the necessary legislative, administrative, and institutional mechanisms required to achieve that aim. States are required to take immediate steps for the progressive realization of economic, social and cultural rights. On the other hand, States are bound to respect civil and political rights, to ensure respect for them and to take the necessary steps to put them into effect. The international community is also duty bound to provide effective international cooperation in response to shortages of resources and capacities in developing countries.
- **EMPOWERMENT** – People as claim-holders are beneficiaries, directors and center of development. The primary objective of the rights-based approach is to give people the power, capacities, capabilities and access needed to change their own lives, improve their own communities and influence their own destinies.
- **PARTICIPATION AND ACCESS** – The rights-based approach advocates for active, free and meaningful participation from communities, civil society, minorities, indigenous peoples, women and others. It gives emphasis on accessibility issues, including access to development process, institutions, information and redress or complaints mechanisms.

- **NON-DISCRIMINATION AND ATTENTION TO VULNERABLE GROUPS** – Non-discrimination means that all persons are able to enjoy human rights on an equal basis, and in their totality. It entails fairness, justice and impartiality in the guarantee of fundamental rights and freedoms. The rights-based approach is giving particular attention to such issues, particularly in relation to vulnerable groups, such as women, minorities, indigenous peoples and prisoners whose rights often discriminated and threatened. There is a need identify who are most vulnerable in locality, what are their characteristics, and what issues threaten their rights and entitlements, and safeguards that needs to be incorporated in development instruments. Development data need to be disaggregated, as far as possible, by race, religion, ethnicity, language, sex and other categories of human rights concern.

Justice System Principles

6.1.6 Access to justice may be effectively achieved through a system of justice that is independent, accessible, efficient, impartial and worthy of public of public trust.

- **INDEPENDENCE.** Institutional and individual independence of correctional agencies is key in the establishment of truth and dispensation of justice.
- **ACCESS.** Access means geographical access, affordability of legal services by the poor, impartial investigation and law enforcement particularly in cases between the poor and the rich or between the politically powerful and one who is not, more speedy provision of services through more efficient and speedy investigation processes, and adequate and preserved evidence.
- **SPEED, QUALITY AND IMPARTIALITY.** The resolution of a case, which will be dependent on the establishment of the truth, should be such that the person seeking redress does not incur undue moral and economic loss due to the delay of the litigation process or the quality of the investigation, prosecution and legal services.
- **INTEGRITY.** Integrity at institutional and individual levels is important in enforcing the law and in establishing facts for appropriate prosecution and resolution of cases. Integrity means being loyal to the rules and procedures that govern the processing of a case and having capacity against undue political influence.

Organization Principles

6.1.7 Organization principles define certain universal truths about the functioning of a well-performing organization. These principles are applied in the conduct of the institutional capacity assessment. They include the following:

- **DOING MORE AND BETTER WITH LESS.** Within the context of severe resource constraints, effective organizations are able to leverage their limited resources to high impact activities.

- **DECENTRALIZATION AND BETTER OVERALL CONTROL OF OPERATIONS.** Decentralization improves the efficiency and responsiveness of agencies by bringing down decision-making authority, responsibility, resources and accountability to the field, enabling quick and relevant response to client needs.
- **SEAMLESS EXTERNAL AND INTERNAL FUNCTIONAL AND PROCESS SYNCHRONIZATION.** Functions and operating systems among the five pillars are inextricably related and connected with one another. Trial of cases cannot start if the prosecution is not prepared. Law enforcement agencies cannot provide adequate crime information without data inputs from the courts and the other pillars of justice. The extent and quality of inter- and intra-system integration influences the quality of justice that can be delivered to the litigants.
- **INFORMATION-BASED DECISION-MAKING.** The role of information and communication systems and technologies in decision making for each of the identified pillars is critical. Also, the capacity to seamlessly integrate operations within and among agencies cannot be made possible without information technology.
- **ACCOUNTABILITY, TRANSPARENCY AND PUBLIC EDUCATION.** Accountability is to be answerable for acts or decisions and the consequences thereof. Public accountability cannot happen if the public is not educated on the operations of agencies for which they will be held accountable, if the operating systems of agencies are not capable of clearly pinpointing answerability, if there is no verifiability of information, and if information is not structured to allow for assessment.
- **CONTINUING LEARNING AND IMPROVEMENT CAPACITY.** Capacity for continuing learning and improvement is the ability to continuously explore new perspectives and operational technologies and methodologies, and to discover new knowledge that will improve institutional and individual capacity to perform agency functions. Capacities for continuing learning and improvement are indicated in the presence of research, planning, and training activities, among others.

Performance Assessment

- 6.1.8 The assessment of organizational performance of agencies concerned with corrections and rehabilitation activities are severely constrained by inadequate indicators and data associated with such performance indicators. Performance assessment was focused on reviewing performance in relation to agency mandate and functions and the expected outputs or services that must be produced to fulfill these.

Internal Capacity Assessment

- 6.1.9 The internal capacity assessment focuses on the agency's internal operating structure and systems, and addresses the following: *"Given the agency mandate and functions, what internal capacities within the agency should be built in order to transform it from what it is now to what it should be in the interim and for the long-*

term?” The conceptual framework for institutional and capacity assessment and reform formulation, which is depicted in Figure 1-3, guided the assessment. In particular, the framework identifies the elements that constitute a well functioning organization, the external factors that influence the organization, and those which the organization in turn influences. The model depicts the relationship between the organization and its external environment, between the inputs, the institutional structures and systems, and the outputs. The framework identifies the core factors and elements that make up the foundation of a well-functioning organization. These comprise the following:

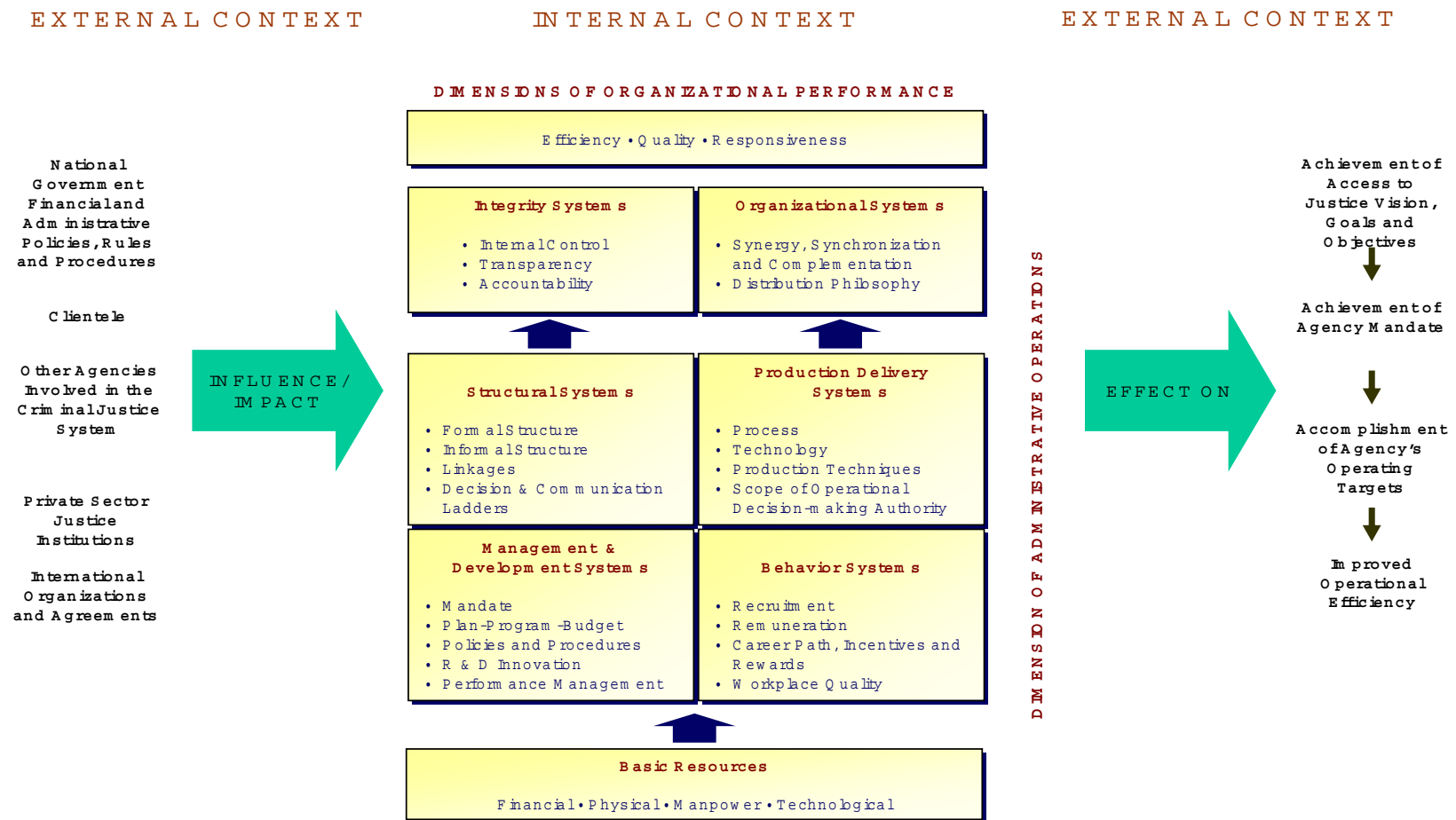
- BASIC RESOURCES – financial, physical and human.
- MANAGEMENT SYSTEMS – the institutional mandate, quality of leadership, corporate planning, financial management and administrative management, research and development, monitoring and evaluating performance and those for innovation and for ensuring and continuing improvement of the organization.
- STRUCTURAL SYSTEMS – the formal structure that organizes the functions among organic units, defines the roles of each unit, and establishes operational relationships and workflows.
- PRODUCTION AND DELIVERY SYSTEMS – the processes, technologies, production tools and techniques applied for the implementation of the mission-critical functions of the agency, or the production and delivery of physical products or services to the identified market, customers or clientele.
- BEHAVIOR SYSTEMS – which manage human behavior in the organization and which involve recruitment, remuneration, incentives, career path and reward systems, procedures and policies, workplace quality and professional standards as enforced, understood and practiced, the public perception and feedback mechanism.
- INTEGRITY SYSTEMS – which include internal control, the processes for transparency in operations and decisions, and the system of accountability at individual, unit, function and enterprise levels.
- SYSTEM OF ORGANIZATIONAL VALUES – the individual and collective values and attitudes shared and forming part of the enterprise culture which involve consensus on the achievement of operational synergy, synchronization and complementation, and the distribution philosophy where customers and beneficiaries are concerned.

6.1.10 The above framework will provide the guidance in focusing the assessment of the internal operating capacities of BJMP and PPA and in the identification of the capacity building requirements.

6.1.11 The capacity assessment will be done in the context of the following:

Figure 1-3

CAPACITY ASSESSMENT FRAMEWORK



- The agency clients, which are the individuals and organizations for whom agency services are provided, the size of clients and their needs, other service providers both from the government and the private sector.
- The institutional framework, which includes the policies, systems and processes, and organizations.
- The government oversight systems, the administrative policies and other related agencies and their impact on the independence, jurisdiction, administrative authority and the level and mix of resources of BJMP and PPA.
- The external linkages and consultative mechanisms established through the corporate planning activities, the formulation of policies, programs and projects, among others.

6.1.12 The assessment of the formal organic structure and key operating systems of the BJMP and PPA includes the determination of the presence or absence of the following:

- CONSCIENCE UNITS AND FUNCTIONS – those involved in the formulation of plans, policies, and programs; monitoring and evaluation of organizational performance; research and development; and other units related to strategic planning and policy formulation, design of agency products and services, self-evaluation, and ensuring the establishment of capacity for continuing learning and improvement.
- HOUSEKEEPING UNITS AND FUNCTIONS – those involved in administrative and financial operations including budgeting and accounting, procurement and physical assets management, human resource management, and other logistical support units and functions.
- MISSION-CRITICAL UNITS AND FUNCTIONS – those that deal with the execution of mission-critical functions, or production and delivery of the products and services for which the agency is mandated by law. The review and recommendations seek to address such issues as access versus efficiency, relevance and capacity to meet present and future demand.

6.1.13 The quality of the operating systems was reviewed on the basis of:

- The delineation of authority, responsibility and accountability and their translation and consistency with internal and internal-external workflows, and their implications on the flexibility of operational decision making flexibility and on the overall efficiency effects.
- The completeness of the work processes required in implementing the system and generating the desired outputs.
- The quality of the technology supporting operations and their efficiency implications.

6.1.14 The staffing pattern was reviewed in accordance with the mix and levels required and in relation to work content and volume.

6.1.15 The review of financial, physical and technological resources involved:

- Spending patterns and levels. The assessment addresses such issues as efficiency of expenditures and adequacy of resources to support required operations.
- Physical resources including capital assets such as land and buildings and equipment not directly related to technical operations but involving such issues as efficiency support.
- Technological resources include the type and level of technology applied in the implementation of the operating systems and procedures, including information technology, land survey equipment, mapping equipment, etc.

6.2 Survey Design and Methodology

6.2.1 The survey of inmates seeks to generate an initial database on the following:

- Socio-demographic and economic profiles of inmates in selected jails in the regions, including NCR;
- Inmates' level of knowledge of the justice system in the country; and
- Inmates' attitudes and perceptions about the justice system.

Survey Coverage and Sampling Design

6.2.2 The survey covers seven (7) regions in the country, including the National Capital Region (NCR). These regions were chosen both randomly (at the region level) and purposively based on the proportion of inmates in the region over the national population of inmates and accessibility of jails/precincts. Safety and security concerns were also considered in the process of selection of sites to be surveyed, particularly those in Mindanao. The resurgence of open hostilities in Central Mindanao prompted a change of survey coverage from Region XII to Region X (Northern Mindanao).

6.2.3 The survey covers a total of 1,714 inmates as samples with a margin of error at +/- 3% (or attaining at most 1,500 sample inmates) from the seven selected regions. These inmates are currently confined in any of three major types of jails and prison facilities in the Philippines, i.e., district/city/municipal jails under the BJMP, provincial jails under the Provincial Governments, and corrections/penitentiary jails under the BUCOR). Table 1-1 presents the distribution of samples across the target regions and facilities.

TABLE 1-1
DISTRIBUTION OF SAMPLES BY REGION AND TYPE OF FACILITY

Region	Province	District/City/ Municipal Jail	Provincial Jail	National Penitentiary	Total	Percent
III – Central Luzon	Nueva Ecija	90	40		130	7.6
IV A – Southern Tagalog	Laguna	180	40		220	12.8
VI – Western Visayas	Iloilo	75	55		130	7.6
VII – Central Visayas	Cebu	150	50		200	11.7
X – Northern Mindanao	Misamis Oriental	54	56		110	6.4
XI – Southern Mindanao	Davao del Sur	45	49	50	144	8.4
National Capital Region	Selected Areas	351		429	780	45.5
Total		945	290	479	1,714	100
Percent		55.1	16.9	28.0		

6.2.4 The largest number of samples for a single region comes from the NCR comprising about 45.5% of the total samples. Region XI stands out as having samples from three types of jails and prisons. In terms of location, the number of sample inmates situated outside the NCR comprises about 55.5% of the total samples. In terms of facility type, more than half of the sample inmates are confined in city/district/municipal jails.

6.2.5 The jails were chosen in the seven regions using the following criteria:

- Accessibility of jails
- Proportionality of number of inmates
- Conformity to target sample size per region within the target number of days to conduct the survey
- Available budget

6.2.6 Table 1-2 presents a regional and provincial disaggregation of specific jails covered by the survey.

**TABLE 1-2
COVERED JAILS AND PRISONS**

REGION	PROVINCE	SELECTED JAILS/PRISONS
Central Luzon	Nueva Ecija	Cabanatuan City Jail Nueva Ecija Provincial Jail
Southern Tagalog	Laguna	San Pedro Municipal Jail Binan Municipal Jail Laguna Provincial Jail
Western Visayas	Iloilo	Iloilo City District Jail Iloilo Provincial Jail
Central Visayas	Cebu	Bagong Buhay Rehabilitation Center Mandaue City Jail Cebu Provincial Jail
Northern Mindanao	Misamis Oriental	Cagayan de Oro City Jail Misamis Oriental Provincial Jail
Southern Mindanao	Davao del Sur	Davao City Jail Davao del Sur Provincial Jail Davao Prison and Penal Farms
National Capital Region	Manila	Manila City Jail
	Quezon City	Quezon City Jail
	Pasig	Pasig City Jail
	Pasay	Pasay City Jail
	Paranaque	Paranaque City Jail
	Makati	Makati City Jail
	Taguig	Metro Manila Rehabilitation Center
	Mandaluyong	Correctional Institute for Women
	Muntinlupa	New Bilibid Prison

6.2.7 As may be gleaned from the table, Region XI is the only region outside NCR covered in this survey that has three types of jails: BJMP jails, provincial jails, and national penitentiaries.

6.2.8 For NCR, approximately 50% of the 351 selected inmates are from Manila and Quezon City jails. The rest of the sample inmates are chosen proportionately from the other BJMP jails in the region. The rest of the sample inmates in NCR (429) were taken from the National bilibid Prison in Muntinlupa and the Correctional Institute for Women in Mandaluyong City, which are both categorized as national penitentiaries under the Bureau of Corrections.

6.2.9 The sample inmates were selected by using systematic sampling with a random start. A stratification of inmates into “sentenced” and “detained” was initially considered to be used in selecting the sample inmate-respondents from the BJMP and provincial jails. However, because of the different types of list available in each selected jails and the difficulty in accessing the lists before the start of the field operation, the surveyors resorted to the adoption of a straightforward systematic

sampling. On the other hand, the sample inmates from the National Bilibid Prison and Correctional Institute for Women were chosen systematically from the maximum, medium and minimum security categories.

Limitations of Survey

- 6.2.10 Probationers, parolees and pardonees are considered offenders, although they are serving their sentences outside prisons and jails. They were not included in the survey considering that the type of questions on knowledge, attitudes and perceptions on justice system is not applicable to them. Their responses to the survey questions might introduce biases to the results of the survey. Generally, youth offenders are likewise not covered by the survey for similar reasons.
- 6.2.11 The analysis part of this project focuses on the information given by the selected sample inmates from different chosen prisons and jails. No raising factors or estimation procedures were used to estimate the total jail population and jail characteristics.
- 6.2.12 In the analysis, the respondent inmates were grouped into city jails within NCR, city jails outside NCR, provincial jails, and national prisons, to maintain confidentiality of inmate's identity.
- 6.2.13 The responses of the sample inmates are based on memory recall, particularly on questions regarding the dates of arrest, incarceration and last hearing while their responses on question concerning their knowledge and attitudes on the justice system, legal remedies and options are based on perceptions and feelings. The responses may be biased towards the inmates themselves, but who can contest to what the respondents felt and experienced during the time when they were arrested and incarcerated.

Survey Instrument

- 6.2.14 The questionnaire administered in this survey was designed and printed by a distinct entity – the Institute of Strategic and Development Studies (ISDS). No alterations in the survey instrument have been made by the surveyors due to time and budgetary constraints. It must be pointed out that the nine-page survey instrument was translated only into Filipino/Tagalog by the ISDS.
- 6.2.15 The survey instrument has four parts of topic areas as enumerated below. It primarily consists of structured questions/items, most of which are open-ended in nature.
- Socio-demographic and economic profile of the inmate
 - Case profile of the inmate
 - Level of knowledge of the inmate about the judicial system
 - Attitudes and perceptions of the inmate about the judicial system using a 5-point Likert Scale.

Field Survey Operation Strategies

- 6.2.16 The enumerators for the national survey of inmates have been trained on survey methods and procedures and the project mechanics. An orientation on prison/jail system and sub-culture have been undertaken to properly prepare field researchers/interviewers in dealing with inmates. Each of the questions in the survey instrument have been meticulously analyzed and explained to ensure a uniform understanding by enumerators.
- 6.2.17 The survey was conducted within a span of two weeks to three weeks (April 10 – 30, 2003). Each enumerator is assigned six (6) inmates to be interviewed per day. Teams comprising of field researchers and a Regional Coordinator were deployed in NCR and other selected regions. Regional Coordinators are tasked to oversee enumerators' activity in the duration of the survey, provide advice on specific issues/problems encountered by enumerators, and ensure the integrity data gathering processes.
- 6.2.18 Survey results are threatened to be affected by "contamination" among respondents as they are clustered in an enclosed facility. Contamination occurs when respondents scheduled to be interviewed have received prior knowledge and perception from inmates who have been earlier interviewed. The surveyors recognized this issue and adopted strategies that would minimize this occurrence.
- 6.2.19 Average duration of interviews undertaken by enumerators for each respondent ranges from 30 to 34 minutes. The longest average interviewing time of 33.5 minutes was observed in national prisons, while the shortest time of 29.5 minutes was recorded in city jails outside the NCR.
- 6.2.20 The Coordinators carefully examined and reviewed every completed questionnaire. Questionnaires with invalid or unacceptable entries were returned to enumerators concerned for correction.

Data Processing and Tabulation

- 6.2.21 Only completed survey instruments were accepted and encoded in the study. MS Access Software was used to encode the results of the survey. Encoders engaged have been trained on the process. Tabulation was done after completion of encoding process. This stage has been difficult considering the occurrence of open-ended entries and inconsistencies, despite initial review and editing done by the regional coordinators.

Response Rate and Average Interview Time

- 6.2.22 The National Survey of Inmates has targeted a total sample of 1,714 inmates. However, only 1,629 sample inmates or 95% response rate was attained. Table 1-3 presents relevant information from the survey. The table shows that there were more male respondents than female. The total female inmates interviewed comprised 17.8% of the total sample. As may be seen in the table, penal facilities were classified into: City Jails within NCR, City Jails outside NCR, Provincial Jails and National Prisons.

TABLE 1-3
RELEVANT INFORMATION ON THE SAMPLE INMATES, BY TYPE OF JAIL: APRIL 2003

Type of Jails	Important Facts	Number of Sample Inmates
City Jails - Within NCR		
Total Inmates	352	Manila - 128
Number of female	61	Quezon City - 71
Not Sentenced	56	Makati - 30
Sentenced	5	Pasay - 30
Number of male	291	Pasig - 33
Not Sentenced	260	Taguig - 24
Sentenced	31	Paranaque - 36
With disability	6	
Average number of minutes used for interview	33	
City Jails - Outside NCR		
Total Inmates	610	Cabanatuan City – 90
Number of female	119	San Pedro – 104
Not Sentenced	101	Binan – 78
Sentenced	18	Iloilo City – 75
Number of male	491	Cebu City – 109
Not Sentenced	431	Mandaue City – 43
Sentenced	60	Davao City – 45
With disability	8	Cagayan de Oro City – 66
Average number of minutes used for interview	29.6	
Provincial Jails		
Total Inmates	288	Nueva Ecija - 40
Number of female	35	Laguna - 38
Not Sentenced	32	Iloilo - 55
Sentenced	3	Cebu - 50
Number of male	253	Davao - 49
Not Sentenced	226	Misamis Oriental - 56
Sentenced	27	
With disability	3	
Average number of minutes used for interview	31.3	

Type of Jails	Important Facts	Number of Sample Inmates
National Prisons		
Total Inmates	379	DPPF - 50
Number of female	75	New Bilibid Prison - 253
Not Sentenced		Correctional Institute for Women - 75
Sentenced	75	
Number of male	304	
Not Sentenced		
Sentenced	304	
With disability	3	
Average number of minutes used for interview	33.5	

6 ORGANIZATION OF REPORT

6.1.1 This report contains the results of the survey of inmates and institutional assessment conducted under the National Survey of Inmates Project. The report is organized into the following major sections:

- Section 1 - OVERVIEW AND RESEARCH FRAMEWORK
- Section 2 - THE PHILIPPINE CORRECTIONS SYSTEM
- Section 3 - ACCESS TO JUSTICE BY INMATES
- Section 4 - INSTITUTIONAL ASSESSMENT
- Section 5 - SYNTHESIS AND REFORM DIRECTIONS

2

THE PHILIPPINE CORRECTIONS SYSTEM

1 INTRODUCTION

- 1.1.1 The Survey of Inmates Project is undertaken within the framework of the five pillars of the criminal justice system, specifically the corrections and rehabilitation pillar. The study considers the principles on access to justice, as well as national and international human rights standards.
- 1.1.2 This Section contains a presentation and discussions on the criminal justice and correction systems in the Philippines to set the contextual bases in the analysis of the survey results and institutional assessment of agencies involved in the corrections pillar. The Section likewise covers the socio-demographic characteristics of inmates as revealed by the survey, as well as the plight of the inmates in Philippine jails and penitentiaries.

2 THE PHILIPPINE CRIMINAL JUSTICE SYSTEM

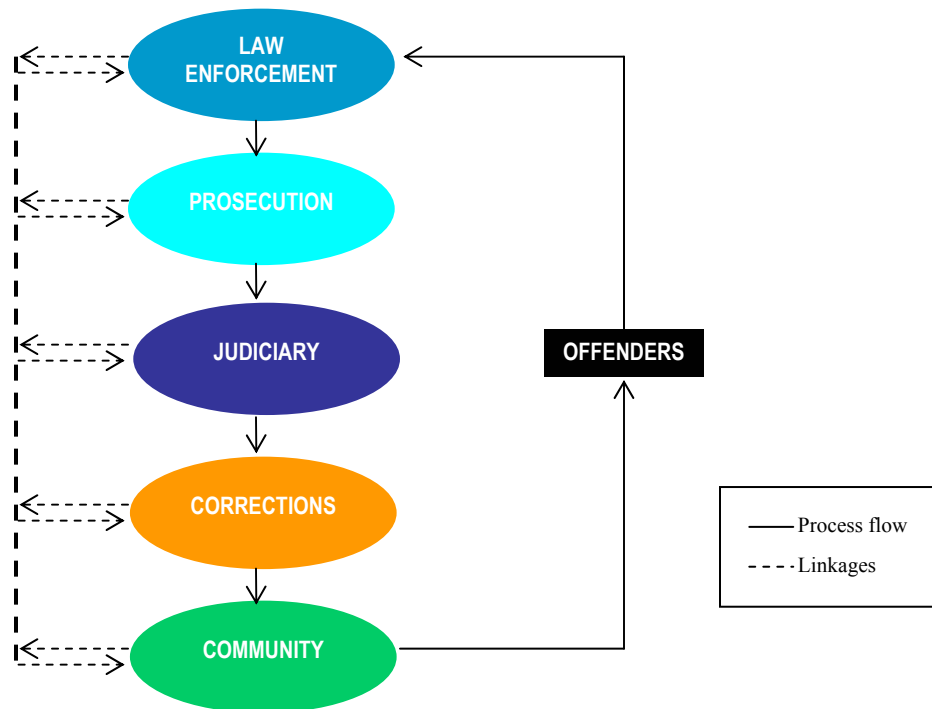
2.1 The Foundation of Law

- 2.1.1 Democratic governance and socio-economic development in the Philippines rest on a foundation of law which is recognized and valued by both citizens and state authorities. These laws, which are embodied in the Constitution, statutes, judicial opinions, and international instruments, comprise the body of official rules and regulations that govern the society and control the behavior of its members.
- 2.1.2 Laws establish the terms of reference for the social contract under which citizens live and work together and are governed by a state authority. These laws provide the rudiments of social order where standards of right and wrong are defined, individual rights are protected, and the systems of remedies and penalties are enforced through the coercive power of the State.
- 2.1.3 Beyond these intrinsic values, the rule of law is also considered a pre-requisite to economic growth and equitable development (MTPDP, 2002). Specifically, law is seen as facilitating market transactions by defining property rights, guaranteeing the enforcement of contracts, and maintaining law and order (World Bank, 2003). Many empirical studies also suggest that the capacity of national institutions, including a country's legal institutions, has critical effects on economic development (Stephen, 2003). The United Nations Development Programme (UNDP), on the other hand, explicitly states that there is a crucial link between the rule of law, poverty eradication, human rights and sustainable development (UNDP, 2003).

2.2 Five Pillars of the Criminal Justice System

- 2.2.1 The foundation of the law in the Philippines is supported by an institutional arrangement (policies, processes and organizations) comprising the five pillars of the justice system, specifically law enforcement, prosecution, the Judiciary, correction, and community.
- 2.2.2 The **law enforcement pillar** prevents the commission of crime and protects the life, liberty and properties of citizens. This is primarily undertaken by the Philippine National Police and the National Bureau of Investigation. There are other government agencies, such as the Bureaus of Immigration and Internal Revenue, which are also mandated to enforce specific laws.
- 2.2.3 The **prosecution pillar**, which is the responsibility of the National Prosecution Service of the Department of Justice, prosecutes cases filed in the court against alleged offenders, after probable cause has been established through thorough evaluation. The **judiciary pillar** adjudicates cases and renders judgment. The Judiciary is comprised of the Supreme Court and lower courts.
- 2.2.4 The **correction pillar** administers the prison and jail systems through corrective, rehabilitative and restorative measures. It also administers death penalty to offenders who are found guilty of committing heinous crimes. The Bureau of Corrections, Parole and Probation Administration, Board of Pardons and Parole, Bureau of Jail Management and Penology, Department of Social Welfare and Development and the local government units are involved in this pillar.
- 2.2.5 The **community pillar** collectively imposes limitations on individual behavior of citizens for the common good of civilized and democratic society that deters criminality and criminal behavior. Institutions such as the Barangay, government agencies, legislative bodies, the academe, and religious and civic organizations, among others, are involved in this pillar.
- 2.2.6 The Supreme Court of the Philippines describes the criminal justice system as “the system or process in the community by which crimes are investigated, and the persons suspected thereof are taken into custody prosecuted in court and punished if found guilty, provision being made for their correction and rehabilitation.”
- 2.2.7 There is mutual reinforcement between and among the five pillars of justice. The relationship may be described as multi-dimensional, which means that each pillar relates to every other pillar in promoting the rule of law as central objective.
- 2.2.8 Figure 2-1 illustrates the criminal justice and flow by which offenders or persons suspected of having committed a crime pass through the sequential processes of investigation and apprehension, prosecution, trial and sentencing, correction or rehabilitation, and re-integration to the community after complete satisfaction of penalties, or through alternative release programs.

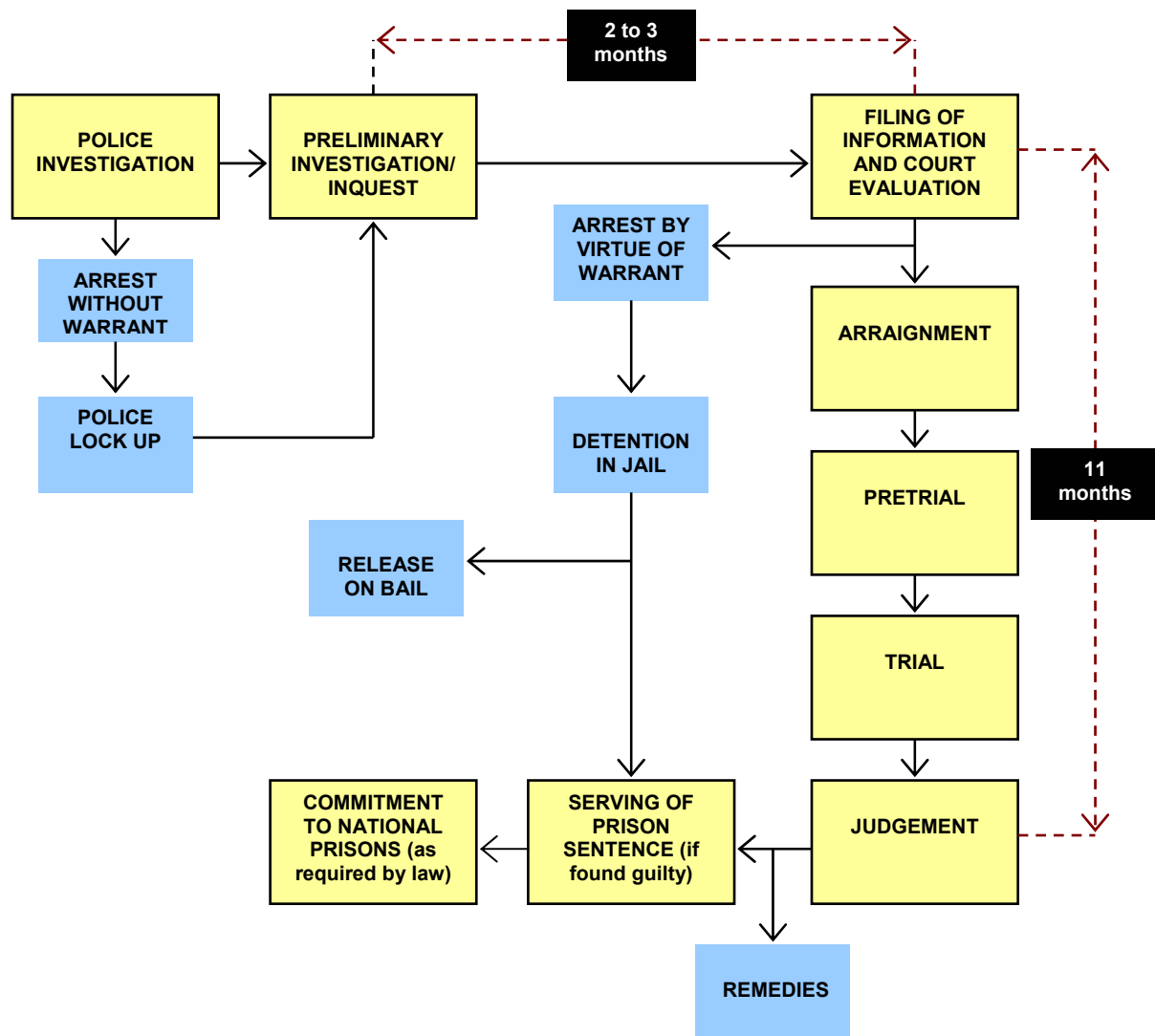
FIGURE 2-1
THE FIVE PILLARS OF THE CRIMINAL JUSTICE SYSTEM



2.2.9 Criminal procedures in the Philippines are contained in established rules and regulations governing the operations of the Five Pillars of Justice. Figure 2-2 provides an overview of these procedures based on the Rules on Criminal Procedures of the Rules of the Court. The processes involved in the investigation and prosecution of criminal cases comprise the following:

- Police Investigation
- Preliminary Investigation
- Issuance of the Prosecutor's Resolution
- Filing of the Information in Court
- Arrest of the Accused and Posting of Bail
- Arraignment [Plea of Guilty or Not Guilty to the Offense Charged]
- Pre-Trial
- Trial
- Sentencing or Judgment

FIGURE 2-2
CRIMINAL PROCEDURES IN THE PHILIPPINES



2.2.10 The Philippine National Police (PNP) conducts motu proprio investigation of criminal acts/omissions or upon complaint by an aggrieved party. The PNP conducts surveillance, interviews of persons with knowledge of facts directly or indirectly connected with the offense (including the suspects who consent to be questioned), entrapment operations, search and seizure and arrest without warrant in accordance with the law, and interrogation of suspects in police custody.

2.2.11 As a general rule, no person may be taken into custody except only by virtue of a warrant of arrest issued by a competent court. Arrest without warrant by a peace officer or a private person may only be allowed under the following circumstances specified in the Rules of Court:

- When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- When an offense has in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it; and
- When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

2.2.12 Alleged offenders subject to such arrest are detained in police lock-up jails for custodial investigation. Persons under custodial investigation has the following rights enshrined in the Constitution:

- He must be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel;
- No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him; secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited;
- Any confession or admission obtained in violation of the foregoing shall be inadmissible in evidence against him.

2.2.13 A preliminary investigation is an inquiry or proceeding to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed and the respondent is probably guilty thereof, and should be held for trial.

2.2.14 Except in cases of lawful arrest without warrant, a preliminary investigation is required to be conducted before the filing of a complaint or information for an offense where the penalty prescribed by law is at least four (4) years, two (2) months and one (1) day without regard to the fine.

2.2.15 A preliminary investigation is essentially a judicial inquiry since there is the opportunity to be heard, the production and weighing of evidence, and a decision rendered on the basis of such evidence. In this sense, the investigating prosecutor is a quasi-judicial officer. A preliminary investigation is intended:

- to secure the innocent against hasty, malicious and oppressive prosecution and to protect him from an open and public accusation of a crime and from the trouble, expense and anxiety of a public trial; and
- to protect the State from having to conduct useless and expensive trials.

2.2.16 The conduct of a preliminary investigation is a substantive right, which the accused may invoke prior to, or at least at the time of plea, the deprivation of which would be a denial of his right to due process.

- 2.2.17 In brief, in the investigation of criminal complaints, the private complainant or the police files a complaint-affidavit with the prosecutor's office, alleging that a certain person has committed a criminal offense. As part of due process, the respondent, who is accused of committing such an offense, is allowed to file a counter-affidavit. The prosecutor handling the case usually conducts a hearing to verify the allegations contained in their respective affidavits, and evaluate the supporting documents.
- 2.2.18 At this stage, the prosecutor has to establish the standard of "probable cause", meaning that based on the allegations of the complainant and the respondent, there is reasonable ground to believe that a crime has been committed, and that the accused is probably guilty thereof. The finding of probable cause is contained in a document called a "resolution". If the reviewing official (the city or provincial prosecutor) approves of the resolution, then the proper information is filed in the proper court. (The "information" is a formal accusation or charge against a person who is believed to have committed the crime). If the imposable penalty is below six years, then the case is filed with the Municipal Trial Court. If the imposable penalty is more than six years, then the case is filed with the Regional Trial Court.
- 2.2.19 Inquest on the other hand is an informal and summary investigation conducted by a public prosecutor in criminal cases involving persons arrested and detained without the benefit of a warrant of arrest issued by the court for the purpose of determining whether or not said persons should remain under custody and correspondingly be charged in court.
- 2.2.20 Unless otherwise directed by the City or Provincial Prosecutor, those assigned to inquest duties discharge their functions during the hours of their designated assignments and only at the police stations/headquarters of the PNP in order to expedite and facilitate the disposition of inquest cases. The inquest proceedings must be terminated within the period prescribed under the provisions of Article 125 of the Revised Penal Code, as amended. The periods prescribed are:
- 12 hours, for crimes or offenses punishable by light penalties, or their equivalent;
 - 18 hours, for crimes or offenses punishable by correctional penalties, or their equivalent; and
 - 36 hours, for crimes or offenses punishable by afflictive or capital penalties, or their equivalent.
- 2.2.21 Criminal actions are instituted by filing the complaint or information directly with the Municipal Trial Courts and Municipal Circuit Trial Courts, or the complaint with the office of the prosecutor. In cases where the preliminary investigation is conducted by the investigating judge, the investigating judge shall transmit the resolution of the case to the provincial or city prosecutor. The latter shall then review the resolution of the investigating judge on the existence of probable cause, and may affirm, modify or reverse the finding of the judge. The prosecutor shall order the release of an accused who is detained if no probable cause is found against him.

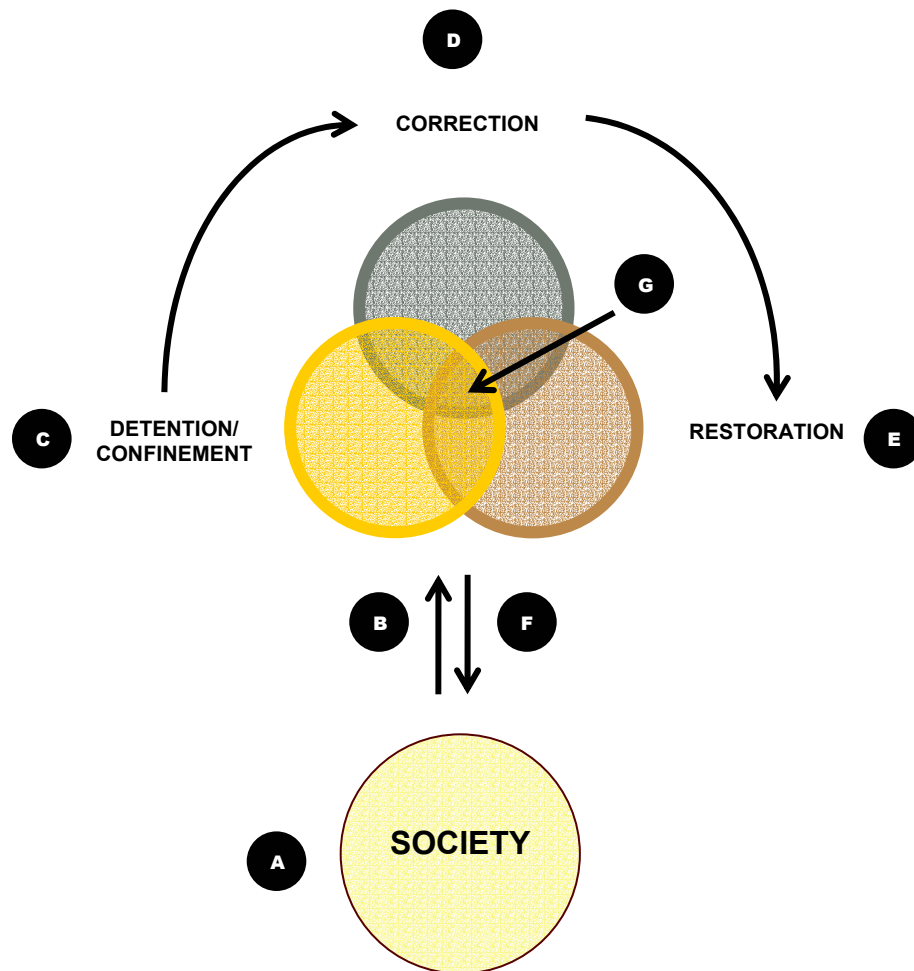
- 2.2.22 In the case of a capital offense, (i.e., the possible sentence could be death or life imprisonment), the complaint has to be resolved within 90 days from the time that the case is assigned to the prosecutor. In all other cases, whether they are cognizable by the Regional Trial Court or the Municipal Trial Court, these cases must be resolved within 60 days from assignment.
- 2.2.23 The Speedy Trial Act also provides certain time standards within which the case should be decided, as follows:
- From the time of the filing of the information to arraignment - 30 days
 - From the time of arraignment to the first trial day - 30 days
 - From the first trial day to the termination of trial - 180 days
 - From the termination of the trial to the issuance of the decision - 90 days
- 2.2.24 Ideally, a criminal case pending with the lower courts should take no more than eleven (11) months to finish, from the time the charge is filed, to the time that the decision is promulgated.

3 THE PHILIPPINE CORRECTIONS SYSTEM

3.1 OVERVIEW OF THE SYSTEM OF CORRECTIONS

- 3.1.1 The rule of law prevails if there is public order and safety, where society is protected, crime is prevented, and citizens are assured of justice by subjecting criminals to their “just deserts”. This rule of law may be achieved through an effective system of corrections, which involve the confinement and rehabilitation of offenders to alter criminal tendencies, and their reintegration to society as law abiding and productive citizens.
- 3.1.2 The corrections system is founded on the theory that persons who are charged for and/or convicted of delinquent acts or crimes must be removed or segregated from society. This process will promote the public order and safety and provide an opportunity for offenders to be corrected, rehabilitated or reformed. The system of corrections in the Philippines may be depicted through the analytical model in Figure 2-3. The elements of the model may be explained as follows:

FIGURE 2-3
PHILIPPINE CORRECTION SYSTEM



- A. **Society under the rule of law.** Laws established through appropriate processes govern the conduct of men as members of society. The State expects that all men abide by these statutes; willful violation thereof will necessitate the imposition of penal sanctions. These violations are considered criminal or delinquent acts or omissions.
- B. **Process of committing offenders to the correction and rehabilitation system.** Individual members of the society who are charged for and/or convicted of delinquent acts or crimes are committed to detention facilities (jails or prisons). This process is done through the appropriate institutions of the criminal justice system (such as law enforcement, prosecution, and courts of law). It is in the interest of general welfare and public order and safety that offenders be segregated from the society.

C. **Detention/confinement of offenders.** Persons who are charged for or convicted of delinquent acts or crimes are committed to government facilities for detention or confinement (prisons, jails or rehabilitation centers) to restrict their liberty (movements/activities). Adult offenders are confined in national penitentiaries and provincial, district, city and municipal jails. They are collectively called **inmates**, who are classified into two categories: (1) those who are awaiting judgment or sentencing by courts of law; and (2) those who are already serving sentence. National penitentiaries house more serious offenders or those who are sentenced to a prison term of three years and one day to death, while those whose sentence is short-term are placed in jails located at the provincial, city and municipal levels. On the other hand, juvenile delinquents or youthful offenders (i.e., minors in conflict with the law) are committed to Regional Rehabilitation Centers considering their special needs and conditions.

D. **Correction and rehabilitation.** Correction and rehabilitation is the basic reason why offenders are kept in prisons and jails. These involve the implementation of programs or introduction of interventions for offenders in order to better prepare them to become productive members of society upon their release from prisons/jails.

Specifically, correction and rehabilitation for inmates include the following:

- Provision of opportunities to develop proper work skills and acquire education and training, which will translate into economic self-sufficiency upon release thereby reducing recidivism;
- Engagement of inmates in meaningful work assignments, particularly in penal farms and other productive labor, thereby helping to defray the tax burden of their incarceration; and
- Provision of counseling, life skills training, and spiritual guidance services to give inmates opportunities to take new directions in their lives.

E. **Restoration.** This involves the process of reformation and reintegration of offenders in the society. An inmate may be released upon his acquittal or grant of bail through court decision or upon the expiration of his sentence. The government has also instituted several measures providing for “early release” of offenders, such as (1) release on recognizance; (2) full time credit, particularly of preventive detention; (3) probation; (5) parole (6) pardon and executive clemency. These interventions are also being considered by the government as effective jail decongestion measures.

F. **Role of community in restoration.** Society must play a role in the process of restoration or re-integration of offenders. The community is considered as an effective means for monitoring parolees, pardonees and probationers, and in enforcing community standards and behavior. Efforts in tapping citizens for community corrections, as an alternative measure to imprisonment and in implementing restorative justice, must therefore be intensified as a means of

decongesting and cutting cost in maintaining prisons and jails, and even in reducing recidivism.

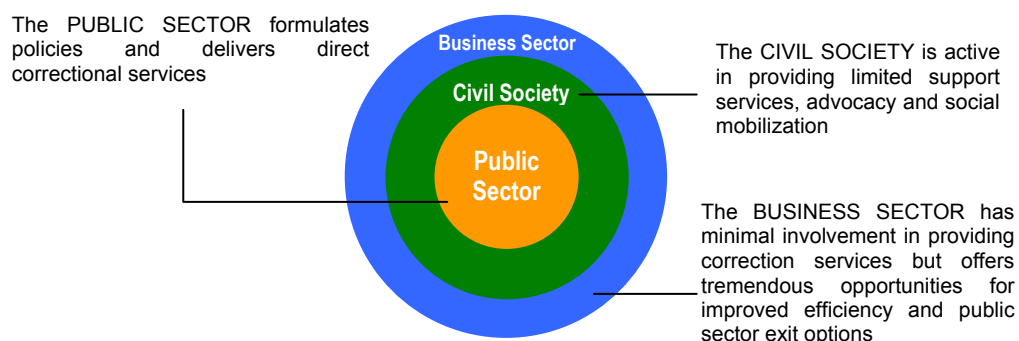
- G. **Convergence of agencies involve in the system.** Several measures have been proffered to achieve the appropriate synchronization, coordination and convergence of the currently fragmented system structure to address the policy and structural problems besetting the corrections and rehabilitation system.

3.2 INSTITUTIONAL ARRANGEMENT

Government, civil society and business sector as major actors in the correction system

- 3.2.1 The Philippine correction system is comprised of the institutions in the government, civil society and the business sector, involved in the confinement, correction, and restoration of persons charged for and/or convicted of delinquent acts or crimes (Figure 2-4). The public sector formulates sound policies and rules on corrections, penology and jail management, rehabilitation and restoration. All prisons or penitentiaries, jails and detention centers are under the direct control and supervision of the government. Hence, the government has a dominant role in providing correction and rehabilitation services.
- 3.2.2 The civil society, which includes non-government organizations, peoples' organizations, religious organizations, academe and the media, provides support services, such as health services, training, livelihood, spiritual guidance and counseling. It also active in advocacy and social mobilization for the protection of inmates' human rights and enhancement of access to justice. The mettle of the civil society to initiate and sustain social change is already tested in the Philippines. This strength can be tapped further to improve the corrections system by encouraging the civil society participate actively in the delivery of programs and activities for inmates and institutionalizing emerging concept of "restorative justice" which includes community corrections.

FIGURE 2-4
INSTITUTIONAL FRAMEWORK OF THE CORRECTIONS SYSTEM



- 3.2.3 The Philippine government has already divested many functions and services to the business sector, particularly in infrastructure, utilities and communications which were traditionally public sector domains. Privatization created positive outcomes for the government such as increased revenues, budgetary savings, and efficient service delivery, among others. Experience in other countries demonstrated that the business sector can also become a major provider of correction and rehabilitation services through the so called “prison industries” or private prisons. In the Philippines, the business sector has minimal participation in the correction system.

Institutional arrangements in the public sector

- 3.2.4 The institutional arrangements in the public sector is a network of 3 departments and 6 agencies of the National Government and 1,344 provincial, city, district and municipal prisons and jails situated all over the country. Specifically, the Department of Justice (DOJ), Department of the Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), and the provincial governments are principally tasked to rehabilitate inmates and reintegrate those who are qualified to be released as productive and law-abiding citizens in the society.
- 3.2.5 The DOJ supervises and manages national penitentiaries, administers the parole and probation system, and assist the President in the grant of executive clemency. The DILG supervises and controls the city and municipal jails. The DSWD operates and maintains rehabilitation centers nationwide for youth offenders. There is also a provincial jail in every province which is under the supervision and control of the provincial governments.

Confinement/safekeeping and correction of offenders

- 3.2.6 The agencies involved in the confinement/safekeeping and correction of offenders and their jurisdiction are summarized in Table 2-1.

TABLE 2-1
AGENCY JURISDICTION ON THE CONFINEMENT AND CORRECTION OF OFFENDERS

Agency	Facility	Jurisdiction
• Bureau of Corrections, DOJ	• National penitentiaries, prisons or penal farms	• National prisoners or those who are serving sentence of more than 3 years
• Bureau of Jail Management and Penology, DILG	• District Jails • City Jails • Municipal Jails	• Detainees, who are of two types: ♦ Those who are undergoing trial or awaiting judgment/sentencing of courts; and ♦ Those who are serving sentence of 3 years or less
• Philippine National Police, DILG	• City Jails • Municipal Jails	
• Provincial Government	• Provincial and Sub-Provincial Jails	
• Department of Social Welfare and Development	• Regional Rehabilitation Centers	• Juvenile delinquents or youthful offenders

- 3.2.7 The **Bureau of Corrections** (BuCor) is an integral bureau of the DOJ mandated to carry out the institutional rehabilitation program of the government for national offenders, or those who are sentenced to more than three years of imprisonment, and to ensure their safe custody. BuCor maintains 7 national penitentiaries with a total prison population of 25,002. National penitentiaries, having an overall capacity of 19,600 inmates, are congested by 28%. Congestion problem is more glaring in the New Bilibid Prison which maintains 65% of the total prison population (Table 2-2)

TABLE 2-2
NATIONAL PENITENTIARIES AND PRISON POPULATION

National Penitentiary	Actual Population	% to Total	Capacity	Congestion Rate
New Bilibid Prison, Metro Manila	16,134	65	8,700	85
San Ramon Prison & Penal Farm, Zamboanga City	951	4	500	90
Iwahig Prison and Penal Farm, Palawan	1,974	8	3,500	-
Correctional Institution for Women, Metro Manila	3,005	12	3,100	-
Davao Prison & Penal Farm, Davao del Norte	1,000	4	1,300	-
Sablayan Prison & Penal Farm, Occidental Mindoro	1,050	4	1,500	-
Leyte Regional Prison, Leyte	888	3	1,000	-
Total	25,002	100	19,600	28

SOURCE: BuCor, 2003

- 3.2.8 The **Bureau of Jail Management and Penology** (BJMP) is mandated to direct, supervise and control the administration and operation of all district, city and municipal jails nationwide. Jails differ from national penitentiaries. Jails are facilities located in provinces, cities and municipalities used to confine offenders who receive short-term sentences (in the Philippines, sentence of three years or less) and individuals awaiting trial and final judgment. A district jail is a cluster of small jails, each having a monthly average population of ten or less inmates, and is located within the vicinity of the court. Jail clustering is a strategy which has been adopted by the BJMP to save on administrative and operational expenses.
- 3.2.9 After twelve years of existence as a separate agency under the DILG, the BJMP still share this responsibility with the **Philippine National Police** (PNP), which is directly running about 61% of the total jail facilities within the jurisdiction of the BJMP. The involvement of the police in penology and jail management is a temporary arrangement considering the limited capacity of the BJMP. The protracted turn-over of all city and municipal jails to the BJMP creates negative outcomes particularly in the implementation of behavioral modification and rehabilitation programs for inmates, considering that the core competencies required for these programs are inbuilt with the BJMP.
- 3.2.10 The Philippine Child and Youth Welfare Code (PD 603) requires that in all but the most exceptional circumstances a minor, if unable to furnish bail, should be committed from the time of his arrest to the care of the **DSWD** or other appropriate juvenile center. Youth offenders or minors in conflict with the law (CICL), which

includes those whose cases are still pending in court and those who have been convicted to serve prison terms, are placed by in DSWD regional rehabilitation centers until they reach the age of 18. When the CICL is fully rehabilitated, the case is dismissed, as if the minor was never charged. If however, the child is found to be incorrigible, irredeemable or hopeless, he is made to serve his full sentence in national penitentiaries. When there is no DSWD rehabilitation center in a locality, the city and/or municipal jail must at the least provide separate quarters for youth offenders, to segregate them from adult inmates.

- 3.2.11 The Local Government Code (RA 7160) authorizes local government units (LGUs) to put up and maintain jails and detention facilities. Specifically, **provincial governments** supervise, control and operate provincial and sub-provincial jails for offenders convicted with a prison sentence of six months and one day to three years and detainees whose cases are being tried by regional trial courts.
- 3.2.12 Table 2-3 indicates the number of jails, prisons and rehabilitation centers under each of the agencies concerned:

**TABLE 2-3
PRISONS AND JAILS**

Type of Institution	Agencies					
	BJMP	PNP	BuCor	Provincial Government	DSWD	Total
National penitentiaries	0	0	7	0	0	7
Provincial jails	0	0	0	79	0	79
Sub-provincial/extension jails	0	0	0	25	0	25
District jails	135	0	0	0	0	135
City jails	83	2	0	0	0	85
Municipal jails	256	747	0	0	0	1,003
Regional rehabilitation centers	0	0	0	0	10	10
Total	474	749	7	104	10	1,344

SOURCE: BJMP, BuCor, and DSWD, 2002

- 3.2.13 It must be noted that the numerous “lock-up jails” and detention centers being maintained by the PNP, National Bureau of Investigation (NBI), Philippine Drug Enforcement Agency (PDEA), and the Bureau of Immigration (BI) are not included in the above matrices. These facilities are generally utilized as temporary detention cells for persons under investigation by the aforesaid agencies, and for those awaiting transfer to jails by virtue of a court order.

- 3.2.14 The number of offenders detained/confined in prisons and jails of the BuCor, BJMP, and PNP is presented in Table 2-4.

**TABLE 2-4
PRISON AND JAIL POPULATION**

Agency	Facility	No. Of Inmates
BJMP	District, City and Municipal Jails	39,847
PNP	City and Municipal Jails	1,747
BuCor	National Penitentiaries, prisons and penal farms	25,002
Provincial Government	Provincial and Sub-Provincial Jails	18,104

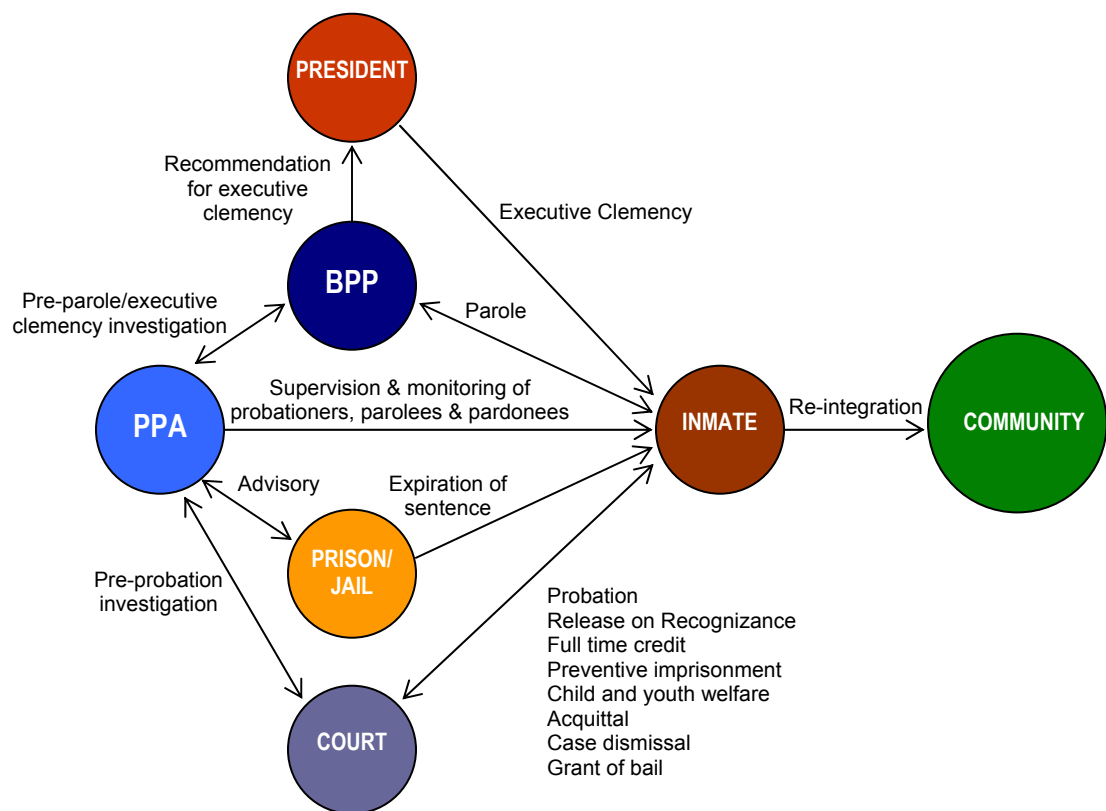
SOURCE: BJMP and BuCor, 2002

- 3.2.15 The number of youthful offenders in custody has been estimated at 20,000, half of whom are under the supervision of the DSWD (Muyot, 2002). Another report cites the number of youth offenders at 8,997 which is about 552% increase from 1997 levels of 1,380 (Lauron, 2003)

Restoration/re-integration of offenders

- 3.2.16 The process of restoration is a component of the Philippine correction and rehabilitation system. It involves the mainstreaming/re-integration of rehabilitated or qualified offenders in the society as productive and law abiding citizens. Figure 2-5 illustrates the different actors, processes/interventions and modalities involved in the release of inmates from prison/jails.

**FIGURE 2-5
PROCESS OF RELEASING INMATES TO THE COMMUNITY**



3.2.17 There are eleven modes whereby an inmate may be released from prison. These may be generally categorized as follows:

- Expiration of inmate's sentence, for which the Director of BuCor or jail warden of BJMP approved the release;
- Posting of bail, as may be allowed by the court;
- Acquittal or dismissal of case; and
- Early release, which may be approved by the President of the Philippines, the Board of Pardons and Parole (BPP), or the courts.

3.2.18 Table 2-5 presents the salient features of the different early release schemes available for qualified inmates, and the pertinent approving authorities.

**TABLE 2-5
EARLY RELEASE SCHEMES OF INMATES**

Scheme	Description	Qualified Recipient	Approving Authority
Release on Recognizance (RA6036)	Inmate is released to the custody of responsible person who is in good standing in the community, while his case is pending in court	Inmate who has a case pending in court with an imposable penalty of one year or less	Court
Full Time Credit (RA 6127)	Inmate is released as his sentence has been fully served while being detained	Inmate with a prison sentence which is at least equivalent to his period of detention	Court
Child and Youth Welfare Code (PD 603)	Youth offender is released to a DSWD rehabilitation center or an accredited organization	Inmate is classified as juvenile delinquent or minor in conflict with the law	Court
Probation (PD 968)	Inmate is released to serve his sentence outside prison under the supervision of a parole and probation officer (PPA) subject to the conditions which the court may impose	First time offender who is convicted with a prison term of 6 years or less and whose case is not on appeal	Court
Preventive Imprisonment (BP 85)	Inmate is released as his period of detention is already equivalent to the maximum imposable penalty for his offence	Inmate with a case pending in court whose period of detention is equivalent to the maximum penalty for his offence	Court
Parole	Inmate is released after serving part of his sentence, under the supervision of a parole and probation officer (PPA)	Inmate who has served the minimum period of his indeterminate prison sentence	Board of Pardons and Parole
Executive Clemency <ul style="list-style-type: none"> • Reprieve • Commutation • Conditional pardon • Absolute pardon 	Prerogative exercised by the President to effect any of the following: <ul style="list-style-type: none"> • Deferment of sentence • Reduction of sentence • Exemption of an individual from punishments (with or without conditions) 	Prisoner must have served the minimum sentence requirements under the Revised Rules and Regulation of the BPP	President of the Philippines (upon recommendation of BPP)

SOURCE: BJMP, BuCor, PPA and BPP

3.2.19 The **PPA** is a focal agency in the restoration process as it is primarily tasked to administer the parole and probation system of the country. It performs a dual role: (1) it ensures that only deserving inmates are granted parole, probation and pardon, by providing the approving authorities sufficient and factual information on the qualifications of applicant-inmate; (2) it ensures that inmates who are granted parole, probation or pardon will abide by the terms and conditions stipulated by the approving authorities. The **BPP**, on the other hand, is specifically authorized by law

to grant parole to qualified prisoners. It likewise recommends to the President of the Philippines the grant of executive clemency in the form of reprieve, commutation of sentence, conditional pardon and absolute pardon.

- 3.2.20 In sum, the Philippine Correction System maybe likened to a “chain” composed of many links, or stages of the process, which are handled by different organizational actors (Hammergren, 2003). Efforts to reform the system must be comprehensive, all encompassing, and well coordinated. Reform efforts must attend to all these agencies or they are likely to create new problems. An effective coordination mechanism, shared understanding of the rules of the game, clear compartmentalization of responsibilities, and unambiguous sharing of functions, are essential factors to ensure the effective and efficient functioning of the system.

3.3 KEY INSTITUTIONAL ISSUES ON THE CORRECTIONS SYSTEM

- 3.3.1 The following major institutional issues in the Philippine corrections systems have been identified in a separate study made by the CPRM Consultants, Inc. under the DOJ project, “Strengthening the Other Pillars of Justice through Reforms in the Department of Justice”, which is likewise under the auspices of the GOP-UNDP Governance Portfolio.

Outdated, outmoded and dilapidated correctional facilities

- 3.3.2 Prisons and jails in the country are generally in bad conditions. The New Bilibid Prisons was constructed in 1935. Since that time, no major renovations have been done on the prison facilities and its administration building. Jails are similarly in dire need of proper maintenance and repair. Furniture, equipment and various facilities in both jails and prisons badly need replacement.

Functional overlaps and diffusion in the conduct of corrections and restoration activities

- 3.3.3 There are several agencies which are concerned with similar correction and rehabilitation functions. For example, the DOJ, DILG and DSWD, and the provincial governments have similar mandates relative to the management and supervision of prisons, jails and rehabilitation centers.

Lack of information technology systems and expertise

- 3.3.4 Lack of technology to properly maintain inmates’ records and process documents for their immediate release is a prevailing situation. Limited use of information technology to support investigation and validation of information on inmates with pertinent agencies like the courts, prosecutors’ offices and law enforcement agencies, to back up recommendations for early release of qualified offenders, and/or for providing them with other needed services, impede correction and rehabilitation programs.

Need to improve overall management capacity and resources

- 3.3.5 Improving administrative management capacity and resources of agencies involved in the corrections pillar directly impacts on their operations in terms of improved capacity to develop policies, programs, project, and activities for correction and rehabilitation of offenders, address congestion in jails and prisons, and for effective operations management and strategic planning.

Unattractive compensation, emoluments and benefits

- 3.3.6 Common to practically all government agencies, this problem may be difficult to address. But an assessment of the remuneration of personnel involved in the corrections pillar must be taken in the light of severe resource constraints and the priority that government gives to the peace and order sector as a factor of economic development.

Inadequate training

- 3.3.7 Inadequate training has been cited as one of the many reasons for inefficiencies and deficiencies in the agencies under the corrections pillar. Specifically, there is need to train correction officers, probation officers, and prisons officers. Inadequate training facilities and equipment is a concomitant issue that adversely affects the conduct of necessary training programs to upgrade and develop the expertise of the key personnel involved in the corrections pillar.

3.4 INMATES IN PHILIPPINE JAILS AND PENITENTIARIES

- 3.4.1 The National Survey of Inmates provides baseline information on the socio-demographic and economic profiles of inmates in Philippine jails and penitentiaries. The total surveyed respondent-inmates, by type of jails and sex category are summarized as follows:

**TABLE 2-6
NUMBER OF RESPONDENT-INMATES**

Type of Jail	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
City Jails within NCR	352	21.6	291	21.7	61	21.0
City Jails outside NCR	610	37.4	491	36.7	119	41.0
Provincial Jails	288	17.7	253	18.9	35	12.1
National Prisons	379	23.3	304	22.7	75	25.9
Total	1,629	100.0	1,339	100.0	290	100.0

- 3.4.2 As indicated in the table above, of the 1,629 surveyed inmates, 962 (59.0%) are placed in BJMP jails, while 288 (17.7%) in provincial jails, and 379 (23.3%) in national prisons. Of the inmates in the BJMP jails, 610 (37.4% of total respondents) are in jails outside NCR, while 352 (21.6% of total respondents) are in jails within NCR.
- 3.4.3 There are 1,339 male-respondent-inmates (82.2%). Of this number, 782 (58.4%) are in BJMP jails, 253 (18.9%) are in provincial jails, and 304 (22%) are in national prisons. Of the male inmates in the BJMP jails, 291 (21.7%) are in jails within NCR, and 491 (36.7%) are in jails outside NCR.
- 3.4.4 There are 290 male-respondent-inmates (17.8%). Of this number, 180 (62%) are in BJMP jails, 35 (12.1%) are in provincial jails, and 75 (25.9%) are in national prisons.

Socio-demographic characteristics of inmates

Age Structure

- 3.4.5 About three percent (3%) of the inmates in NCR jails are below 18 years old, with a mean age of 32 years old, while 50% are either below (but not younger than 18) or above 30 years old.
- 3.4.6 More or less, four out of five sample inmates in NCR city jails are males and their mean and median ages reveal that they are much younger than the female sample inmates in the same type of jails.
- 3.4.7 The sample inmates in jails outside NCR have a mean age of 31 years old. Half of these inmates are either below or above the median age of 29. These inmates in the NCR jails are quite younger as compared to those in other types of jails.
- 3.4.8 Similar to the inmates in the city jails within NCR, four out of five inmates in city jails outside NCR are males and are younger than their female counterparts, as indicated by their mean and median ages.
- 3.4.9 On the average, the sample inmates in the provincial jails are 35 years old. Half of them belong more or less to the 33 year-old age bracket. The male and female inmates have the same mean age (35), but different in median age (33) by two years, the female inmates having a higher median age than that of the male inmates.
- 3.4.10 The oldest group of sample inmates (23.3% or 379) in terms of mean and median ages comes from the national prisons. Both mean and median ages of these inmates are calculated at 38 years old.
- 3.4.11 Similar to the inmates in NCR, outside NCR and provincial jails, the female inmates in national prisons are older than the male inmates. The mean and median ages of female inmates are both at 43 years old, as compared to the average age and median age of 37 years old of the males'.
- 3.4.12 Table 2-7 indicates the number of inmates, by type of jails, mean and median age group, and sex category.

TABLE 2-7
NUMBER OF INMATES, BY TYPE OF JAIL, AGE GROUP, AND SEX
APRIL 2003

Type of Jail/Age Group	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
City Jails - Within NCR	352	100.0	291	100.0	61	100.0
Below 18 years old	10	2.8	10	3.4		
18 - 19	22	6.3	19	6.5	3	4.9
20 - 29	140	39.8	121	41.6	19	31.1
30 - 39	101	28.7	83	28.5	18	29.5
40 - 49	56	15.9	42	14.4	14	23.0
50 - 59	18	5.1	13	4.5	5	8.2
60 - 66	5	1.4	3	1.0	2	3.3
Mean age >>>>>	32		31		36	
Median age >>>>>	30		29		34	
City Jails - Outside NCR	610	100.0	491	100.0	119	100.0
Below 18 years old	8	1.3	7	1.4	1	0.8
18 - 19	39	6.4	33	6.7	6	5.0
20 - 29	260	42.6	228	46.4	32	26.9
30 - 39	191	31.3	150	30.5	41	34.5
40 - 49	98	16.1	64	13.0	34	28.6
50 - 59	9	1.5	5	1.0	4	3.4
60 - 66	5	0.8	4	0.8	1	0.8
Mean age >>>>>	31		30		34	
Median age >>>>>	29		28		33	
Provincial Jails	288	100.0	253	100.0	35	100.0
Below 18 years old	10	3.5	8	3.1	2	5.7
18 - 19	7	2.4	6	2.4	1	2.9
20 - 29	86	29.8	78	30.7	8	22.9
30 - 39	93	32.2	81	31.9	12	34.3
40 - 49	57	19.7	50	19.7	7	20.0
50 - 59	22	7.6	19	7.5	3	8.6
60 - 69	9	3.1	7	2.8	2	5.7
70 - 74	3	1.0	3	1.2		
Not Reported	1	0.3	1	0.4		
Mean age >>>>>	35		35		35	
Median age >>>>>	33		33		35	

Type of Jail/Age Group	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
National Prisons	379	100.0	304	100.0	75	100.0
Below 18 years old						
18 - 19	6	1.6	6	2.0		
20 - 29	84	22.2	73	24.0	11	14.7
30 - 39	119	31.4	103	33.9	16	21.3
40 - 49	110	29.0	82	27.0	28	37.3
50 - 59	40	10.6	26	8.6	14	18.7
60 - 69	14	3.7	9	3.0	5	6.7
70 - 79	5	1.3	4	1.3	1	1.3
80 - 89	1	0.3	1	0.3		
Mean age >>>>>	38		37		43	
Median age >>>>>	38		37		43	

Marital Status

- 3.4.13 The sample inmates in the surveyed four types of correction facilities differ in terms of marital status. Table 2-8 shows the number of inmates, by type of jail, marital status, and sex.
- 3.4.14 The sample inmates in the city jails within NCR consist mostly of single inmates (41.8%) and married inmates (37.5%), with the rests (20.7%) constituting inmates who are widowed, separated or living with common-law partners. There are more single male inmates (45%) than married male inmates (37.5%). On the other hand, there are more married female inmates (37.7%) than the single ones (26.2%).
- 3.4.15 Similar situation prevails in the city jails outside NCR. More single male inmates (45.8%) and more married female inmates (34.5%) are detained or imprisoned in these jails.
- 3.4.16 The provincial jails and national prisons composed mostly of married individuals, regardless of sex. There is also quite a significant percentage of single males in these jails/prisons.
- 3.4.17 A higher percentage of women detained in city jails outside NCR (26%) is also indicated for those who are living with their common-law partners. Similarly, a higher percentage of women inmates in the national prisons is also indicated for those who are separated from their spouses (16%).

TABLE 2-8
NUMBER OF INMATES, BY TYPE OF JAIL, MARITAL STATUS AND SEX
APRIL 2003

Type of Jail/Marital Status	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
City Jail - Within NCR	352	100.0	291	100.0	61	100.0
Single	147	41.8	131	45.0	16	26.2
Married	132	37.5	109	37.5	23	37.7
Widowed	9	2.6	2	0.7	7	11.5
Separated	31	8.8	24	8.2	7	11.5
Live-in	33	9.4	25	8.6	8	13.1
City Jails - Outside NCR	610	100.0	491	100.0	119	100.0
Single	256	42.0	225	45.8	31	26.1
Married	230	37.7	189	38.5	41	34.5
Widowed	11	1.8	4	0.8	7	5.9
Separated	45	7.4	31	6.3	14	11.8
Live-in	68	11.1	42	8.6	26	21.8
Provincial Jails	288	100.0	253	100.0	35	100.0
Single	105	36.3	99	39.0	6	17.1
Married	137	47.4	113	44.5	24	68.6
Widowed	16	5.5	13	5.1	3	8.6
Separated	18	6.2	16	6.3	2	5.7
Live-in	9	3.1	9	3.5		
Not Reported	3	1.0	3	1.0		
National Prisons	379	100.0	304	100.0	75	100.0
Single	115	30.3	104	34.2	11	14.7
Married	175	46.2	139	45.7	36	48.0
Widowed	11	2.9	3	1.0	8	10.7
Separated	49	12.9	33	10.9	16	21.3
Live-in	29	7.7	25	8.2	4	5.3

Highest Level of Education Completed

- 3.4.18 The highest level of educational attainment of more than half of the inmates in the city jails and national prisons is high school level (third year or below). About fifty percent of those in the provincial jails have graduated from elementary school, or have reached certain grade levels in elementary.
- 3.4.19 There are few inmates in each type of jail who did not go to school at all. There are those who reported to have finished college, or even have postgraduate studies. Inmates in the national prisons fall under these latter situations (Table 2-9). Table 2-9 also reveals that both male and female inmates are more likely of equal footing in terms of education.

TABLE 2-9
NUMBER OF INMATES, BY TYPE OF JAIL, HIGHEST EDUCATIONAL ATTAINMENT AND SEX
APRIL 2003

Type of Jail/Highest Grade Completed	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
City Jails - Within NCR	352	100.0	291	100.0	61	100.0
No Grade Completed	2	0.6	2	0.7		
Elementary - undergraduate	81	23.0	67	23.0	14	23.0
Elementary - graduate	52	14.8	44	15.1	8	13.1
High School - undergraduate	123	34.9	101	34.7	22	36.1
High School - graduate	44	12.5	38	13.1	6	9.8
College - undergraduate	21	6.0	18	6.2	3	4.9
College - graduate	22	6.3	14	4.8	8	13.1
Vocational	6	1.7	6	2.1		
Not Reported	1	0.3	1	0.3		
City Jails - Outside NCR	610	100.0	491	100.0	119	100.0
No Grade Completed	3	0.5	2	0.4	1	0.8
Elementary - undergraduate	112	18.4	96	19.6	16	13.4
Elementary - graduate	100	16.4	78	15.9	22	18.5
High School - undergraduate	185	30.3	152	31.0	33	27.7
High School - graduate	94	15.4	77	15.7	17	14.3
College - undergraduate	76	12.5	57	11.6	19	16.0
College - graduate	31	5.1	20	4.1	11	9.2
Post graduate	1	0.2	1	0.2		
Vocational	6	1.0	6	1.2		
Not Reported	2	0.3	2	0.4		

Type of Jail/Highest Grade Completed	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
Provincial Jails	288	100.0	253	100.0	35	100.0
No Grade Completed	4	1.4	4	1.6		
Elementary - undergraduate	88	30.4	82	32.3	6	17.1
Elementary - graduate	65	22.5	55	21.7	10	28.6
High School - undergraduate	59	20.4	50	19.7	9	25.7
High School - graduate	40	13.8	36	14.2	4	11.4
College - undergraduate	20	6.9	16	6.3	4	11.4
College - graduate	8	2.8	7	2.8	1	2.9
Vocational	4	1.4	3	1.2	1	2.9
National Prisons	379	100.0	304	100.0	75	100.0
No Grade Completed	5	1.3	5	1.6		
Elementary – undergraduate	95	25.1	85	28.0	10	13.3
Elementary - graduate	43	11.3	39	12.8	4	5.3
High School - undergraduate	83	21.9	72	23.7	11	14.7
High School - graduate	41	10.8	32	10.5	9	12.0
College – undergraduate	58	15.3	39	12.8	19	25.3
College - graduate	43	11.3	21	6.9	22	29.3
Vocational	11	2.9	11	3.6		

Religious Affiliation

3.4.20 Inmates in different jails/prisons may have retained the same religious affiliation before and after incarceration, or have embraced a new religion as introduced by co-inmates or certain religious organizations.

3.4.21 More than 70% of the total inmates are Roman Catholic. A higher percentage is indicated for both male and female inmates in all types of jails who are practicing the Catholic faith. Other reported religious affiliations are Iglesia ni Cristo, Islam, Protestants, Seventh Day Adventist, etc. A few (average 3%) have reported to be born-again Christians.

3.4.22 Table 2-10 reflects the number of inmates by religious affiliation.

TABLE 2-10
NUMBER OF INMATES, BY TYPE OF JAIL, RELIGIOUS AFFILIATION AND SEX
APRIL 2003

Type of Jail/Religion	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
City Jails - Within NCR	352	100.0	291	100.0	61	100.0
None	1	0.3	1	0.3		
Roman Catholic	297	84.4	247	84.9	50	82.0
Protestant	5	1.4	5	1.7		
Iglesia ni Cristo	24	6.8	20	6.9	4	6.6
Islam	14	4.0	9	3.1	5	8.2
Born-again	7	2.0	6	2.1	1	1.6
Others	4	1.1	3	1.0	1	1.6
City Jails - Outside NCR	610	100.0	491	100.0	119	100.0
None	2	0.3	2	0.4		
Roman Catholic	507	83.1	405	82.5	102	85.7
Protestant	18	3.0	15	3.1	3	2.5
Iglesia ni Cristo	25	4.1	23	4.7	2	1.7
Islam	20	3.3	12	2.4	8	6.7
Born Again Christian	21	3.4	18	3.7	3	2.5
Seventh Day Adventist	7	1.1	7	1.4		
Others	9	1.5	8	1.6	1	0.8
Not Reported	1	0.2	1	0.2		
Provincial Jails	288	100.0	253	100.0	35	100.0
None	1	0.3	1	0.4		
Roman Catholic	220	76.1	191	75.2	29	82.9
Protestants	17	5.9	16	6.3	1	2.9

Type of Jail/Religion	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
Iglesia ni Cristo	19	6.6	18	7.1	1	2.9
Born Again	10	3.5	9	3.5	1	2.9
Islam	8	2.8	6	2.4	2	5.7
Seventh Day Adventist	8	2.8	8	3.1		
Others	5	1.7	4	1.6	1	2.9
National Prisons	379	100.0	304	100.0	75	100.0
None	3	0.8	2	0.7	1	1.3
Roman Catholic	271	71.5	223	73.4	48	64.0
Protestants	10	2.6	7	2.3	3	4.0
Iglesia ni Cristo	23	6.1	18	5.9	5	6.7
Born Again	21	5.5	15	4.9	6	8.0
Islam	22	5.8	16	5.3	6	8.0
Seventh Day Adventist	21	5.5	16	5.3	5	6.7
Others	8	2.1	7	2.3	1	1.3

Dialect/Language Spoken at Home

3.4.23 In city jails in NCR, four out of every five inmates, regardless of sex, speak Tagalog at home. Less than 10% of the inmates speak or understand Cebuano or Bisaya.

3.4.24 Almost an equal percentage of prisoners in the city jails located outside NCR speak Tagalog (43%) and Cebuano/Bisaya (39.7%). Gender-wise, a higher percentage of male prefer to speak in Tagalog or Cebuano. There are on the other hand more female inmates who speak Cebuano fluently than Tagalog. A significant percentage of Ilonggo/Hiligaynon- speaking prisoners in these jails have likewise been reported.

3.4.25 Half of the inmates in the provincial jails, whether male or female, are Cebuano/Bisaya- speaking, and only one-fourth or one-fifth speak Tagalog at home. It is noteworthy that a little higher than 10% of the inmates in these jails speak Ilonggo/Hiligaynon.

3.4.26 More or less, half of the sample national prisoners use Tagalog as their dialect. The percentage of female inmates who use Tagalog as their dialect is higher, as compared to their male counterparts.

3.4.27 Table 2-11 indicates the number of inmates by language spoken at home.

TABLE 2-11
NUMBER OF INMATES, BY TYPE OF JAIL, LANGUAGE SPOKEN AT HOME AND SEX
APRIL 2003

Type of Jail/Language Spoken at Home	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
City Jails - Within NCR	352	100.0	291	100.0	61	100.0
Tagalog	282	80.1	232	79.7	50	82.0
Cebuano/Bisaya	30	8.5	27	9.3	3	4.9
Ilonggo/Hiligaynon	8	2.3	7	2.4	1	1.6
Kapampangan	2	0.6			2	3.3
Ilocano	4	1.1	4	1.4		
Bicol	5	1.4	4	1.4	1	1.6
Waray	8	2.3	8	2.7		
Others	13	3.7	9	3.1	4	6.6
City Jails - Outside NCR	610	100.0	491	100.0	119	100.0
Tagalog	262	43.0	231	47.0	31	26.1
Cebuano/Bisaya	242	39.7	167	34.0	75	63.0
Ilonggo/Hiligaynon	74	12.1	73	14.9	1	0.8
Ilocano	6	1.0	4	0.8	2	1.7
Bicol	1	0.2			1	0.8
Waray	3	0.5	3	0.6		
Others	20	3.3	12	2.4	8	6.7
Not Reported	2	0.3	1	0.2	1	0.8
Provincial Jails	288	100.0	253	100.0	35	100.0
Tagalog	68	23.6	61	24.1	7	20.0
Cebuano/Bisaya	147	51.0	129	51.0	18	51.4
Ilonggo/Hiligaynon	39	13.5	30	11.9	9	25.7
Ilocano	4	1.4	4	1.6		
Bicol	1	0.3	1	0.4		
Waray	2	0.7	2	0.8		

Type of Jail/Language Spoken at Home	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
Kinaray-a	13	4.5	13	5.1		
Others	13	4.5	12	4.7	1	2.9
Not Reported	1	0.3	1	0.4		
National Prisons	379	100.0	304	100.0	75	100.0
Tagalog	193	50.9	147	48.4	46	61.3
Cebuano/Bisaya	82	21.6	75	24.7	7	9.3
Ilonggo/Hiligaynon	28	7.4	22	7.2	6	8.0
Kapampangan	4	1.1	2	0.7	2	2.7
Ilocano	20	5.3	14	4.6	6	8.0
Bicol	14	3.7	13	4.3	1	1.3
Waray	6	1.6	6	2.0		
Others	32	8.4	25	8.2	7	9.3

Birth Place

3.4.28 Almost all inmates in city jails within NCR were born in Luzon provinces, while others are incarcerated in jails located in the same place where they were born. The inmates who are jailed or detained in the city jails outside NCR and provincial jails were also born in the same location of the jails, except for those inmates from Misamis Oriental where about 68% of the sample inmates were born in Visayan provinces.

3.4.29 Sixty-five percent (65%) of the inmates in the Correctional Institute for Women and New Bilibid Prison were born in the Luzon areas. The Davao Prison and Penal Farm primarily houses prisoners born mostly in other provinces of Mindanao.

3.4.30 Table 2-12 indicates the inmates by birthplace.

TABLE 2-12
NUMBER OF INMATES, BY TYPE OF JAIL, BIRTHPLACE AND SEX
APRIL 2003

Type and Location of Jail	Birthplace											
	Same Place as the Jail		Other Luzon Prov.		Other Visayan Prov.		Other Mindanao Prov.		Not Reported		Outside Philippines	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
City Jails - Within NCR												
Manila	64	50.0	31	24.2	18	14.1	15	11.7				
Quezon City	10	14.1	28	39.4	15	21.1	17	23.9	1	1.4		
Makati	10	33.3	11	36.7	2	6.7	7	23.3				
Pasay	9	30.0	15	50.0	2	6.7	4	13.3				
Pasig	8	24.2	18	54.5	5	15.2	1	3.0	1	3.0		
Taguig	2	8.3	18	75	4	16.7						
Paranaque	9	25	17	47.2	7	19.4	3	8.3				
City Jails - Outside NCR												
Nueva Ecija	61	67.8	13	14.4	7	7.8	9	10.0				
Laguna	72	39.6	86	47.3	17	9.3	6.0	3			1	0.5
Iloilo	57	76	3.0	4.0	7.0	9.3	5	6.7	3	4.0		
Cebu	107	70.4	6	3.9	11	7.2	27	17.8	1	0.7		
Misamis Oriental	32	48.5	1	1.5	5	7.6	27	40.9	1	1.5		
Davao del Sur	25	55.6	5	11.1	6	13.3	9	20.0				
Provincial Jails												
Nueva Ecija	24	60.0	8	20.0	6	15.0	2	5.0				
Laguna	19	50.0	14	36.8	3	7.9	2	5.3				
Iloilo	44	80.0	1	1.8	6	10.9	3	5.5	1	1.8		
Cebu	42	84.0	4	8.0			4	8.0				
Misamis Oriental	3	5.3	1	1.8	39	68.4	13	22.8	1	1.8		
Davao del Sur	34	69.4	1	2.0	5	10.2	8	16.3	1	2.0		
National Prisons												
Mandaluyong City			49	65.3	16	21.3	10	13.3				
Muntinlupa			163	64.2	63	24.8	25	9.8	3	1.2		
Davao del Sur			1	2.0	6	12.0	43	86.0				

Economic Characteristics

3.4.31 Most of the inmates in any of the jail types were employed before they were detained. They were employed as wage and salary workers, earning as low as P50 per day or as high as P25, 000 per month. Some of them were self-employed as farmers or as carpenters, or engaged in small business activities for their families.

3.4.32 Table 2-13 reflects the number of inmates by economic characteristics.

TABLE 2-13
NUMBER OF INMATES, BY TYPE OF JAIL, MAIN ACTIVITY
BEFORE DETENTION/INCARCERATION, AND SEX, APRIL 2003

Type of Jail/Main Activity Before Detained/Incarceration	Both Sexes		Male		Female	
	Number	%	Number	%	Number	%
City Jails - Within NCR	352	100.0	291	100.0	61	100.0
None	41	11.6	22	7.6	19	31.1
Student	4	1.1	4	1.4		
Unemployed but looking for work	11	3.1	7	2.4	4	6.6
Employed	296	84.1	258	88.7	38	62.3
City Jails - Outside NCR	610	100.0	491	100.0	119	100.0
None	67	11.0	43	8.8	24	20.2
Student	16	2.6	12	2.4	4	3.4
Unemployed but looking for work	81	13.3	52	10.6	29	24.4
Employed	445	73.0	383	78.0	62	52.1
Not Reported	1	0.2	1	0.2		
Provincial Jails	288	100.0	253	100.0	35	100.0
None	29	10.1	20	7.9	9	25.7
Student	4	1.4	4	1.6		
Unemployed but looking for work	20	6.9	10	4.0	10	28.6
Employed	235	81.6	219	86.6	16	45.7
National Prisons	379	100.0	304	100.0	75	100.0
None	25	6.6	10	3.3	15	20.0
Student	12	3.2	11	3.6	1	1.3
Unemployed but looking for work	6	1.6	5	1.6	1	1.3
Employed	335	88.4	278	91.4	57	76.0
Not Reported	1	0.3			1	1.3

3

ACCESS TO JUSTICE BY INMATES

1 INTRODUCTION

- 1.1.1 As indicated in previous discussions, equitable access to justice by inmates, who are considered members of the disadvantaged groups, generally means that justice services are not constrained or restricted for persons in detention or imprisonment.
- 1.1.2 The National Survey of Inmates has generated basedata on inmates' level of knowledge, attitudes and perceptions on the Philippine justice system. This portion of the report contains a descriptive analysis of survey results, which will supplement and complement existing information and issues contained from various studies on access to justice by inmates.

2 OVERVIEW OF THE RIGHTS OF INMATES

- 2.1.1 The State is under obligations to respect, protect, and fulfill human rights. The Philippines is a State Party to many, if not most, of the international human rights instruments. These include the following which are related to the rights of prisoners and inmates:
- Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment (1988)
 - Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975)
 - Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)
 - Standard Minimum Rules for the Treatment of Prisoners
- 2.1.2 Some of these rights are already embodied in the Bill of Rights of the Constitution (Article III) and in several national laws, rules and regulations and local government ordinances, and resolutions. Most rights on access to justice require core compliance (conduct now) while many of those pertaining to prison conditions may be achieved over time (progressively).

2.1.3 Except for those limitations necessitated by the fact of incarceration, prisoners and detainees retain the human rights and fundamental freedoms set out in national and international human rights instruments. These rights include the following:

- Right to be treated in a humane manner;
- Right to fair trial with adequate and free legal assistance;
- Right to be protected from cruel, inhumane, degrading treatment and punishment, including sexual violence and other forms of torture;
- Right to be kept in official government civilian prisons and to be protected from being imprisoned in unofficial places of detention or in military custody;
- Right to appear in public before a legally-constituted court within a short time after their arrest;
- Right to fair and humane treatment which enables the maintenance of self respect;
- Right to a prison program which enhances their social and intellectual abilities;
- Right to separate living arrangements in prison in accordance with the categories of gender, age, and reasons for imprisonment;
- Right to be held separately from convicted prisoners;
- Right to be segregated from other prisoners (for political prisoners);
- Right to communicate with their families and to maintain familial relationships; and
- Right to free legal assistance.

3 DESCRIPTIVE ANALYSIS OF SURVEY RESULTS

3.1.1 This portion of the report statistically describes the case profile of interviewed inmates in terms of time spent along four considerations: (a) duration from arrest to incarceration; (b) duration from incarceration to last hearing; (c) duration from arrest to last hearing; and (d) duration from arrest to last hearing of cases of sentenced inmates.

3.1.2 The data are broken down by types of jail, and indicate the minimum, maximum and average (mean) period covered by each case profile.

3.2 Duration from Arrest to Incarceration

- 3.2.1 The statistics on the length of time from date of arrest to incarceration of inmates in all four types of jails are contained in Table 3-1.

TABLE 3-1
LENGTH OF TIME FROM ARREST TO INCARCERATION, APRIL 2003

Number of Days	Percentage of Prisoners Reporting			
	City Jails Within NCR	City Jails Outside NCR	Provincial Jails	National Prisons
0	64.5	81.8	83.6	76.8
1 - 29	27.3	15.1	9.1	11.2
30 - 59	3.2	1.2	1.1	1.4
60 – 89	1.2	0.7	2.2	0.8
90 – 119	0.3	0.2	0.7	
120 – 364	1.2	0.7	1.5	1.7
365 – 730	1.2	0.3	1.1	2.5
More than 730 (2 years)	1.2	-	0.7	5.6
Minimum	0 day	0 day	0 day	0 day
Maximum	1,235 days or 3.4 years	1 year	2,740 days or 3.4 years	21 years
Mean	23.9 days	4.6 days	23.9 days	8.2 months

- 3.2.2 Of the total interviewed inmates in city jails within NCR, 64.5% said that they were immediately placed in jail/prison within the day of their arrest. However, there were about 1.2% of the sample inmates who were arrested, but placed in prisons/jails only after two years. On the average, the length of time from the date of arrest to the date of incarceration is approximately 24 days.
- 3.2.3 Around 82% of inmates in city jails outside NCR, on the other hand, reported that they were incarcerated at the same day of arrest. On the average, the length of time from the date of arrest to the date of incarceration is approximately 5 days.
- 3.2.4 In provincial jails, about 84% of the surveyed inmates answered that that they were placed in jails on the day of their arrest. On the average, the length of time from the date of arrest to the date of incarceration is approximately 24 days.
- 3.2.5 Unlike the inmates in the three abovementioned jails where inmates are either sentenced or detained (meaning they have not been sentenced), all inmates placed in national prisons have already been convicted. The indicated information in the survey thus refers to a situation while inmates were yet in jails, prior to their transfer to the national penitentiaries.

- 3.2.6 The waiting time of sentenced inmates in the national prisons from the date of the arrest to date of incarceration is a minimum of 0 day to a maximum of 21 years. At the average, this is translated into an 8-month waiting time in jails before they were transferred to national prisons. About 77% of the surveyed inmates in national prisons were placed in jails on the day of their arrest.

3.3 Duration from Incarceration to Last Hearing of Case

- 3.3.1 The statistics on the length of time from incarceration to the last hearing of case are summarized in Table 3-2 under each type of jail.

TABLE 3-2
LENGTH OF TIME FROM INCARCERATION TO LAST HEARING OF CASE, APRIL 2003

Number of Months/Years	Percentage of Prisoners Reporting			
	City Jails Within NCR	City Jails Outside NCR	Provincial Jails	National Prisons
Less than 1	6.2	5.6	2.5	2.8
1 Mo. - < 2 Mos.	6.2	7.0		2.4
2 Mos. - < 3 Mos.	8.7	5.2	1.5	4.0
3 Mos. - < 4 Mos.	8.3	4.2	0.5	2.0
4 Mos. - < 5 Mos.	7.1	5.9	3.0	3.2
5 Mos. - < 6 Mos.	6.2	8.0	1.5	3.2
6 Mos. - < 1 Year	22.8	26.2	12.2	10.8
1 Year - < 2 Years	17.4	15.7	23.4	20.1
2 Year - < 3 Years	7.9	10.1	14.2	15.7
3 Year - < 4 Years	3.7	7.3	15.7	11.6
4 Year - < 5 Years	3.7	2.4	9.6	5.6
More than 5 Years	1.7	2.1	15.7	18.5
Minimum	2 days	0 day	1 day	4 days
Maximum	2,877 days or 7.9 years	6.9 years	22 years	46 years
Mean	1.1 years	1.2 years	3.1 years	3.3 years

- 3.3.2 Inmates in the city jails within NCR spend a minimum of 2 days, or a maximum of 8 years, until a decision on their case is made. The average length of time spent is estimated as 1.1 years. About 34% of the total respondent-inmates in this type of jail waited for more than one year (up to maximum of 8 years) until the last hearing of their cases is made.
- 3.3.3 Inmates in city jails outside NCR waited for an average of 1.2 years from the date of their incarceration to the last hearing of their case. Of the surveyed inmates, 37.6% spent more than one year (up to maximum of 7 years) in jail until the last hearing of their case is made.

- 3.3.4 The waiting time from incarceration to the last hearing of cases of inmates in provincial jails is an average of 3.1 years. Of these inmates, 16% spent more than 5 years in jail (up to maximum of 22 years) until the last hearing of their respective cases.
- 3.3.5 From the date the inmates in national prisons were incarcerated, they spent an average of 3.3 years inside the penitentiaries before they attended the last hearing of their cases. About 71.5% of the inmates were held in prisons for more than one year until the last hearing of their cases.

3.4 Duration from Arrest to Last Hearing of Case

- 3.4.1 The survey results on the length of time from arrest to the last hearing of case are indicated in Table 3-3.

TABLE 3-3
LENGTH OF TIME FROM ARREST TO LAST HEARING OF CASE, APRIL 2003

Number of Months/Years	Percentage of Prisoners Reporting		
	City Jails Within NCR	City Jails Outside NCR	Provincial Jails
Less than 1 month	5.3	4.6	2.5
1 Mo. - < 2 Mos.	4.9	6.0	0.5
2 Mos. - < 3 Mos.	9.4	5.7	1.5
3 Mos. - < 4 Mos.	7.4	3.9	0.5
4 Mos. - < 5 Mos.	9.0	6.0	2.5
5 Mos. - < 6 Mos.	5.7	8.5	1.5
6 Mos. - < 1 Year	23.0	25.8	12.6
1 Year - < 2 Years	16.8	17.0	22.7
2 Year - < 3 Years	8.2	10.6	14.1
3 Year - < 4 Years	4.9	7.4	16.2
4 Year - < 5 Years	3.7	2.8	9.6
More than 5 Years	1.6	1.8	15.7
Minimum	5 days	4 days	1 day
Maximum	2,877 days or 7.9 years	6.8 years	22 years
Mean	1.1 year	1.3 years	3 years

- 3.4.2 The estimated length of time that inmates in city jails within the NCR spent from the date of arrest to date of last hearing is a minimum of 5 days to a maximum of 8 years. This leads to an average of 1.1 years. Thirty-five percent of inmates in this type of jail waited for more than one year until the last hearing of their cases was made.

- 3.4.3 For inmates in jails outside NCR, the estimated length of time spent from the date of arrest to date of last hearing was computed at a minimum of 4 days to a maximum of 7 years, or an average of 1.3 years. About 40% of the respondent-inmates spent more than one year in jails until the last hearing of their cases.
- 3.4.4 Inmates in provincial jails, on the other hand, spent an average of 3 years in jail/prison from the time of arrest to the last hearing of their cases. It is important to note that about 16% of the total inmates spent more than 5 years (up to a maximum of 22 years) in provincial jails until the last hearing of their cases.

3.5 Duration from Arrest to Last Hearing (Sentenced Inmates)

- 3.5.1 The results of the survey on the length of time from arrest to the last hearing of case of sentenced inmates in the different surveyed jails and prisons are indicated in Table 3-4.

TABLE 3-4
LENGTH OF TIME FROM ARREST TO LAST HEARING OF CASE, APRIL 2003
(SENTENCED INMATES)

Number of Months/Years	Percentage of Prisoners Reporting			
	City Jails Within NCR	City Jails Outside NCR	Provincial Jails	National Prisons
Less than 1 month		10.5		2.2
1 Mo. - < 2 Mos.	13.8	1.8	4.3	2.5
2 Mos. - < 3 Mos.	10.3	10.5	4.3	4.7
3 Mos. - < 4 Mos.	10.3	3.5	4.3	1.5
4 Mos. - < 5 Mos.	13.8	3.5	4.3	2.9
5 Mos. - < 6 Mos.	3.4	7.0		3.3
6 Mos. - < 1 Year	24.1	15.8	13.0	12.0
1 Year - < 2 Years	3.4	21.1	26.1	20.4
2 Year - < 3 Years	10.3	19.3	8.7	15.3
3 Year - < 4 Years	6.9	3.5	8.7	12.0
4 Year - < 5 Years	3.4	1.8	8.7	5.5
More than 5 Years		1.8	17.4	17.8
Minimum	32 days	4 days	32 days	4 days
Maximum	1,623 days or 7.9 years	5.8 years	9.2 years	46 years
Mean	11.5 months	1.3 years	2.7 years	3.2 years

- 3.5.2 The convicted or sentenced prisoners in city jails within NCR spend an average of 11.5 months before the final hearing on their cases is made. They have been incarcerated for a minimum of 32 days and a maximum of almost 8 years before the final court hearing of their cases has been completed.

- 3.5.3 In the case of convicted or sentenced prisoners in jails outside NCR, the average of time spent by inmates from their arrest to last date of case hearing is 1.3 years. The minimum is 4 days and the maximum is almost 6 years.
- 3.5.4 Sentenced inmates in provincial jails waited for an average of 3 years from the time of their arrest until the last hearing of their cases. The minimum waiting time is 32 days and the maximum is 9.2 years.
- 3.5.5 Surveyed inmates in the national prisons waited for an average of 3.2 years from the date of arrest until they had their last case hearing. The minimum waiting time is 4 days, while the maximum is 46 years. About 18% of the total inmates surveyed have waited for more than five years until the last hearing of their case has been conducted.

4 KNOWLEDGE OF THE JUSTICE SYSTEM

- 4.1.1. On inmates' knowledge on availability of free legal services to poor litigants from any institutions, the survey results reveal that among the inmates in city jails within NCR and those in national prisons, one out of every five knows that such services and agencies that extend help to poor exist. However, there are more inmates in these jails/prisons who do not know any office or agency that could help them on their legal requirements.
- 4.1.2. Inmates in city jails outside NCR and in provincial jails have better knowledge on the existence of any agencies/institutions that provide free legal assistance to the poor. It is quite interesting to know that there is a higher percentage of women inmates in national prisons who are aware that there are several agencies that provide legal aid (Table 3-5).

TABLE 3-5
PERCENTAGE OF INMATES WITH KNOWLEDGE OF THE JUSTICE SYSTEM, APRIL 2003

Knowledge About the Justice System	Type of Jail							
	Male				Female			
	City Jails - Within NCR	City Jails -Outside NCR	Provincial Jails	National Prisons	City Jails - Within NCR	City Jails -Outside NCR	Provincial Jails	National Prisons
I. Knowledge of any office that helps the poor when they have cases in court								
With Knowledge	16.2	44.0	50.6	22.7	18.0	55.5	68.6	44.0
Without Knowledge	83.8	56.0	49.4	77.3	82.0	44.5	31.4	56.0
II. Knowledge of any office or agency that accepts complaints against delays in the prosecution of cases in court								
With Knowledge	11.3	17.1	24.5	13.2	9.8	16.8	25.7	21.3
Without Knowledge	88.7	82.9	75.5	86.8	90.2	83.2	74.3	78.7

- 4.1.3 One-fourth of the total inmates (or may be less) know about agencies that accept complaints against delays in prosecution of cases in court.

4.2 Knowledge of Legal Remedies and Options

- 4.2.1 Inmates could avail themselves of several legal remedies and options. The following are among these legal measures, which were covered by the survey. The survey determines whether sample inmates have knowledge about such measures.

- The existence of the Public Attorney's Office before detention
- The right to bail
- The warrant of arrest
- The right against involuntary admission of guilt
- The right to legal counsel
- The laws and rules on protection of juvenile offenders
- The knowledge of legal procedures after the arrest

- 4.2.2 Table 3-6 indicates the results of the survey.

Existence of the Public Attorney's Office before detention

- 4.2.3 The Public Attorney's Office (PAO) is the government agency that provides free legal services to the poor or disadvantaged groups, to ensure equal protection of the law. Based on the results of the survey, more than 50% of inmates, both male and female, in the city jails outside NCR, in the provincial jails, and in national prisons know of the existence of PAO and its available services. Inmates have learned of such information from the Department of Justice or the courts when they were being arraigned. Co-inmates also provide information on the matter.
- 4.2.4 Around 56% of the inmates (both male and female) from city jails within NCR have reported to have no knowledge about PAO.

Right to Bail

- 4.2.5 Bail could be posted in most of the crime cases. Almost 80% of the total sample inmates in all types of jails were informed by their co-inmates, arresting officers or lawyers that they could be temporarily released from detention through posting of bail. However, because of poverty, only a limited number of inmates had resorted to this mode of release.

Warrant of Arrest

- 4.2.6 A warrant of arrest is a court order to a law enforcement agency to put on arrest an accused person of a crime, for questioning or investigation and subsequent filing of appropriate case in court if the prosecutor finds that there is a probable cause for such action. However, there are incidences where a warrant is not necessarily served especially if the accused voluntary surrenders, or in inquest cases.
- 4.2.7 Based on the survey, more than three-fifths of the sample male and female inmates in the different jails/prisons have knowledge of these requirements in serving warrants of arrest. Arresting officers, co-inmates and visiting friends, usually supply inmates with information in regard the matter.

Right against Involuntary Admission of Guilt

- 4.2.8 An inmate has the right to plead not guilty or not to admit the crime he/she is accused of unless proven otherwise. A higher percentage (above 50%) of inmates detained in city jails and provincial jails know about this right, as compared to those in the national prisons (only between 39% to 47%). They learned about such right from co-inmates and other sources especially the media.
- 4.2.9 Around 53% of the male inmates and 60% of the female inmates who are serving their sentences in national prisons hardly know about this right.

Right to Legal Counsel

- 4.2.10 Legal counseling is either in the form of a judicial or non-judicial services provided free by PAO to the poor or disadvantaged inmates. Seven in every ten inmates, male or female, in any type of jail, know that they have the right to legal counsel, or

that they could be represented by a lawyer in court. They got this information from their co-inmates or from other sources.

The Laws and Rules on the Protection of Juvenile Offenders

- 4.2.11 here are laws and rules protecting the juvenile offenders (inmates below 18 years old) from abuse or further influence to commit other crimes. As much as possible, youth offenders are separated from adult detainees or prisoners. Above 50% of the inmates from the different types of jails/prisons know that there exist such laws and rules to protect juvenile delinquents. They knew about this from their co-inmates or from the jail staff.

Any Knowledge of Legal Procedures After Detention

- 4.2.12 More than 50% of male and female inmates have no knowledge of the legal procedures to be undertake after detention. A higher percentage of inmates in city jails within NCR and national prisons fall under this situation.
- 4.2.13 Those who know about the legal procedures have learned about them primarily from co-inmates and other sources.

4.3 Inmates' Attitudes and Perceptions about the Justice System

- 4.3.1 The attitudes and perceptions of inmates on the justice systems were measured using the Linkert Scale, where 5 means "Strongly Agree"; 4 - "Agree"; 3 - "Undecided"; 2 - "Disagree"; and 1 - "Strongly Disagree". Table 3-7 shows the results, using the scale and the number corresponding to each of the score-description.

On Attitude Towards the Judicial System in General

- 4.3.2 Female inmates from the national prisons slightly distrust (with a mean rate of 2.8) the way the justice system operates. As a whole the sample inmates provided a mean rate of 3.3. This means that they rather not reveal their perception with regard to the question on whether they have full trust in the operation of the justice system in the country.
- 4.3.3 In general, all inmates regardless of type of jails provided a mean rate between 2.9 and 3.0 ("Undecided") on the integrity of the judges in court. Only in national prisons where both male inmates (with a mean rate between 2.6 and 2.7) and female inmates (with a mean rate between 1.8 and 1.9) have negative views on the integrity of the judges in court. They do not consider judges as honest, trustworthy, incorruptible, just and fair in handling cases in the court.
- 4.3.4 Almost all sample prisoners, except female inmates from the national prisons, agree that the judges in court have full knowledge of legal procedures.
- 4.3.5 All inmate-respondents perceive that the justice system does not treat both the rich and the poor equally, as indicated by their mean rate of 2.6.

- 4.3.6 On the question on whether the rich has fair treatment under the law, respondent-inmates are undecided or neutral in their perception (with a mean rate of 3.2). They have the same perception (with mean rate of 3.4) with regard to the issue that the poor could not expect fair treatment under the law.

On Adequate Information About the Justice System

- 4.3.7 All inmates indicated a neutral response to the survey on availability of adequate information about the justice system (with a mean rate ranging from 3.0 to 3.3). They are specifically “undecided” as to the adequacy of access to information regarding the manner the justice system operates, with respect to one’s rights, on the availability of legal remedies or options to the poor, and concerning the agencies with which they could file complaints on case delays. Only female inmates in national prisons disagree with the premise that adequate access to information on the justice system is available (with a mean rate ranging from 2.4 to 2.7).

On Adequacy of Legal Defense

- 4.3.8 The inmates from all jails are likewise generally undecided as to the adequacy of legal defense (with a mean rate ranging from 3.4 to 3.7). On specific issue under this survey component, like the legal counsel being concerned with the inmate-client, and the legal counsel having adequate knowledge and expertise in law, the mean rating is on the other hand 4.1, meaning that the respondents agree to these propositions. However, female inmates from the national prisons disagree with the statement that suggests that adequate legal defense services, specifically concerning human rights protection, are available.

On Unlawful or Unreasonable Delays

- 4.3.9 All inmates are undecided (with mean rate of 3.2) regarding the use of force to confess to a crime in order to expedite the litigation of the case.
- 4.3.10 The inmates disagree that the accused are tortured in order to confess to a crime. They likewise disagree that their cases are proceeding at a reasonable pace (mean rate is 2.9). This is supported by their respond to another issue that they agree to the statement that their cases are preceding at a faster pace (mean rate is 4.0).

On Effective Remedy for Disadvantaged Inmates

- 4.3.11 Regarding the effective remedy for the disadvantaged inmates, the sample inmates agree that they could have avoided incarceration if only they have enough money to post bail (with mean rate of 4.1), and that the poor are more likely to be detained while waiting for trial (with mean rate of 4.1).
- 4.3.12 The sample inmates are neutral or undecided on the access to free service of a lawyer (with mean rate of 3.7); the access of the poor to effective service of a lawyer (with mean rate of 3.1) and the use of torture or force to confess to a crime (with mean rate of 3.3).

On Adequacy of Protection for Juvenile Offenders and Women

- 4.3.13 All inmates agree that the juvenile offenders must be separated from adults (with mean rate of 4.2), that there is adequate protection for juvenile offenders (with mean rate of 4), and for women inmates likewise being adequately protected under the country's laws (with mean rate of 4).

5 POLICY IMPLICATIONS

- 5.1.1 The National Survey of Inmates points to certain issues on access to justice. Prisoners/detainees suffer from physical barriers accessing both the legal system and appropriate intermediaries. They have difficulties getting access to information about their rights and where to get assistance. Specifically, access to justice issues indicated by unlawful and unreasonable delays in the delivery of justice services, and unlawful and unreasonable incarceration, are revealed in the analysis of inmates' case profile, knowledge of the justice system, legal remedies and options, and their attitudes and perceptions about the justice system in the country under the survey.

- 5.1.2 The policy implications on these issues are as follows:

- Need to address judicial process delays and the lack of information on the government's legal aid program, remedies, rights and entitlements, and legal aid procedures
- Need to reaffirm inmates' rights to information
- Need for a comprehensive program to reorient/re-tool and sensitize law enforcers, jail guards, and public lawyers on access justice issues and the basic rights/entitlements of prisoners and detainees
- Need to rebuild inmates' trust and confidence on the justice system

TABLE 3-6
INMATES KNOWLEDGE OF LEGAL REMEDIES AND OPTIONS, BY TYPE OF JAIL, AND BY SEX: APRIL 2003

Knowledge of Legal Remedies and Options	Type of Jail																							
	Both Sexes								Male								Female							
	City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
I. EXISTENCE OF THE PUBLIC ATTORNEY'S OFFICE (PAO) BEFORE DETENTION	352	100.0	610	100.0	288	100.0	379	100.0	291	100.0	491	100.0	253	100.0	304	100.0	61	100.0	119	100.0	35	100.0	75	100.0
WITH KNOWLEDGE	154	43.8	384	63.0	187	64.9	207	54.6	129	44.3	305	62.1	165	65.2	166	54.6	25	41.0	79	66.4	22	62.9	41	54.7
Arresting officer	4	1.1	4	0.7	2	0.7	4	1.1	3	1.0	3	0.6	2	0.8	3	1.0	1	1.6	1	0.8			1	1.3
Co-inmates	21	6.0	103	16.9	35	12.2	44	11.6	17	5.8	79	16.1	29	11.5	32	10.5	4	6.6	24	20.2	6	17.1	12	16.0
DOJ/Court	25	7.1	74	12.1	46	16.0	53	14.0	23	7.9	54	11.0	45	17.8	40	13.2	2	3.3	20	16.8	1	2.9	13	17.3
Lawyer	9	2.6	23	3.8	9	3.1	12	3.2	9	3.1	18	3.7	8	3.2	10	3.3			5	4.2	1	2.9	2	2.7
Family/Relatives	14	4.0	50	8.2	31	10.8	25	6.6	10	3.4	42	8.6	28	11.1	24	7.9	4	6.6	8	6.7	3	8.6	1	1.3
Friends Outside the Jail	32	9.1	57	9.3	37	12.8	21	5.5	24	8.2	48	9.8	34	13.4	14	4.6	8	13.1	9	7.6	3	8.6	7	9.3
School	5	1.4	13	2.1	3	1.0	2	0.5	3	1.0	11	2.2	2	0.8	1	0.3	2	3.3	2	1.7	1	2.9	1	1.3
Jail			5	0.8	1	0.3	3	0.8			4	0.8			3	1.0			1	0.8	1	2.9		
OTHER SOURCES	45	12.8	57	9.3	28	9.7	45	11.9	40	13.7	48	9.8	23	9.1	41	13.5	5	8.2	9	7.6	5	14.3	4	5.3
Not Reported					1	0.3															1	2.9		
WITHOUT KNOWLEDGE	198	56.3	226	37.0	101	35.1	172	45.4	162	55.7	186	37.9	88	34.8	138	45.4	36	59.0	40	33.6	13	37.1	34	45.3
Not Reported																								
II. THE RIGHT TO BAIL	352	100.0	610	100.0	288	100.0	379	100.0	291	100.0	491	100.0	253	100.0	304	100.0	61	100.0	119	100.0	35	100.0	75	100.0
WITH KNOWLEDGE	281	79.8	521	85.4	242	84.0	300	79.2	232	79.7	423	86.2	210	83.0	237	78.0	49	80.3	98	82.4	32	91.4	63	84.0
Arresting officer	57	16.2	19	3.1	11	3.8	11	2.9	50	17.2	14	2.9	9	3.6	10	3.3	7	11.5	5	4.2	2	5.7	1	1.3
Co-inmates	48	13.6	191	31.3	64	22.2	71	18.7	39	13.4	151	30.8	56	22.1	52	17.1	9	14.8	40	33.6	8	22.9	19	25.3
DOJ/Court	10	2.8	42	6.9	16	5.6	48	12.7	10	3.4	29	5.9	13	5.1	40	13.2		0.0	13	10.9	3	8.6	8	10.7

Knowledge of Legal Remedies and Options	Type of Jail																							
	Both Sexes								Male								Female							
	City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Lawyer	29	8.2	58	9.5	44	15.3	59	15.6	20	6.9	49	10.0	39	15.4	35	11.5	9	14.8	9	7.6	5	14.3	24	32.0
Family/Relatives	30	8.5	51	8.4	39	13.5	24	6.3	27	9.3	44	9.0	38	15.0	23	7.6	3	4.9	7	5.9	1	2.9	1	1.3
Friends	34	9.7	47	7.7	37	12.8	14	3.7	30	10.3	40	8.1	31	12.3	12	3.9	4	6.6	7	5.9	6	17.1	2	2.7
School	12	3.4	13	2.1	4	1.4	5	1.3	11	3.8	12	2.4	3	1.2	4	1.3	1	1.6	1	0.8	1	2.9	1	1.3
Jail	8	2.3	15	2.5	3	1.0	10	2.6	4	1.4	13	2.6	1	0.4	8	2.6	4	6.6	2	1.7	2	5.7	2	2.7
OTHER SOURCES	51	14.5	88	14.4	31	10.8	58	15.3	39	13.4	74	15.1	27	10.7	53	17.4	12	19.7	14	11.8	4	11.4	5	6.7
Not Reported	2	0.6							2	0.7		0.0												
WITHOUT KNOWLEDGE	69	19.6	89	14.6	46	16.0	79	20.8	57	19.6	68	13.8	43	17.0	67	22.0	12	19.7	21	17.6	3	8.6	12	16.0
Not Reported	2	0.6							2	0.7														
III. The Warrant of Arrest	592	100.0	352	100.0	610	100.0	288	100.0	291	100.0	491	100.0	253	100.0	304	100.0	61	100.0	119	100.0	35	100.0	75	100.0
WITH KNOWLEDGE	416	70.3	218	61.9	452	74.1	215	74.7	181	62.2	369	75.2	188	74.3	201	66.1	37	60.7	83	69.7	27	77.1	56	74.7
Arresting officer	67	11.3	26	7.4	80	13.1	44	15.3	23	7.9	58	11.8	32	12.6	23	7.6	3	4.9	22	18.5	12	34.3	7	9.3
Co-inmates	70	11.8	22	6.3	79	13.0	35	12.2	20	6.9	68	13.8	32	12.6	35	11.5	2	3.3	11	9.2	3	8.6	10	13.3
DOJ/Court	34	5.7	7	2.0	26	4.3	12	4.2	6	2.1	20	4.1	11	4.3	22	7.2	1	1.6	6	5.0	1	2.9	6	8.0
Lawyer	27	4.6	6	1.7	24	3.9	11	3.8	4	1.4	22	4.5	10	4.0	16	5.3	2	3.3	2	1.7	1	2.9	17	22.7
Family/Relatives	45	7.6	20	5.7	37	6.1	34	11.8	18	6.2	29	5.9	33	13.0	11	3.6	2	3.3	8	6.7	1	2.9	2	2.7
Friends	56	9.5	44	12.5	57	9.3	38	13.2	36	12.4	47	9.6	35	13.8	18	5.9	8	13.1	10	8.4	3	8.6	2	2.7
School	20	3.4	6	1.7	31	5.1	10	3.5	5	1.7	27	5.5	9	3.6	10	3.3	1	1.6	4	3.4	1	2.9	2	2.7
Jail	4	0.7	14	4.0	16	2.6	1	0.3	10	3.4	13	2.6			3	1.0	4	6.6	3	2.5	1	2.9	1	1.3
OTHER SOURCES	109	18.4	71	20.2	107	17.5	46	16.0	57	19.6	91	18.5	42	16.6	63	20.7	14	23.0	16	13.4	4	11.4	9	12.0
Not Reported			2	0.6					2	0.7														
WITHOUT KNOWLEDGE	176	29.7	134	38.1	158	25.9	73	25.3	110	37.8	122	24.8	65	25.7	103	33.9	24	39.3	36	30.3	8	22.9	18	24.0
Not Reported																							1	1.3

Knowledge of Legal Remedies and Options	Type of Jail																							
	Both Sexes								Male								Female							
	City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
IV. The Right Against Involuntary Admission of Guilt	352	100.0	610	100.0	287	100.3	379	100.0	291	100.0	491	100.0	253	100.0	304	100.0	61	100.0	119	100.0	35	100.0	75	100.0
WITH KNOWLEDGE	187	53.1	434	71.1	194	67.6	171	45.1	156	53.6	353	71.9	168	66.4	142	46.7	31	50.8	81	68.1	26	74.3	29	38.7
Arresting officer	6	1.7	3	0.5	3	1.0	5	1.3	5	1.7	1	0.2	2	0.8	4	1.3	1	1.6	2	1.7	1	2.9	1	1.3
Co-inmates	25	7.1	118	19.3	42	14.6	47	12.4	22	7.6	92	18.7	35	13.8	37	12.2	3	4.9	26	21.8	7	20.0	10	13.3
DOJ/Court	6	1.7	17	2.8	6	2.1	9	2.4	4	1.4	12	2.4	5	2.0	6	2.0	2	3.3	5	4.2	1	2.9	3	4.0
Lawyer	33	9.4	44	7.2	24	8.4	37	9.8	25	8.6	40	8.1	22	8.7	25	8.2	8	13.1	4	3.4	2	5.7	12	16.0
Family/Relatives	11	3.1	38	6.2	20	7.0	6	1.6	11	3.8	26	5.3	19	7.5	5	1.6			12	10.1	1	2.9	1	1.3
Friends	16	4.5	35	5.7	30	10.5	6	1.6	14	4.8	27	5.5	26	10.3	6	2.0	2	3.3	8	6.7	4	11.4		
School	5	1.4	16	2.6	7	2.4	6	1.6	3	1.0	13	2.6	6	2.4	4	1.3	2	3.3	3	2.5	1	2.9	2	2.7
Jail	15	4.3	11	1.8	1	0.3	4	1.1	14	4.8	11	2.2			4	1.3	1	1.6			1	2.9		
OTHER SOURCES	64	18.2	154	25.2	66	23.0	51	13.5	53	18.2	133	27.1	58	22.9	51	16.8	11	18.0	21	17.6	8	22.9		
Not Reported	6	1.7							5	1.7							1	1.6						
WITHOUT KNOWLEDGE	165	46.9	176	28.9	93	32.4	207	54.6	135	46.4	138	28.1	84	33.2	162	53.3	30	49.2	38	31.9	9	25.7	45	60.0
Not Reported					1	0.3	1	0.3					1	0.4									1	1.3

Knowledge of Legal Remedies and Options	Type of Jail																							
	Both Sexes								Male								Female							
	City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
V. The Right to Legal Counsel	352	100.0	610	100.0	288	100.0	379	100.0	291	100.0	491	100.0	253	100.0	304	100.0	61	100.0	119	100.0	35	100.0	75	100.0
WITH KNOWLEDGE	251	71.3	503	82.5	253	87.8	283	74.7	200	68.7	404	82.3	222	87.7	221	72.7	51	83.6	99	83.2	31	88.6	62	82.7
Arresting officer	13	3.7	9	1.5	10	3.5	7	1.8	9	3.1	7	1.4	7	2.8	4	1.3	4	6.6	2	1.7	3	8.6	3	4.0
Co-inmates	31	8.8	120	19.7	58	20.1	68	17.9	26	8.9	104	21.2	53	20.9	56	18.4	5	8.2	16	13.4	5	14.3	12	16.0
DOJ/Court	14	4.0	55	9.0	29	10.1	35	9.2	10	3.4	43	8.8	28	11.1	26	8.6	4	6.6	12	10.1	1	2.9	9	12.0
Lawyer	21	6.0	28	4.6	23	8.0	37	9.8	16	5.5	22	4.5	21	8.3	20	6.6	5	8.2	6	5.0	2	5.7	17	22.7
Family/Relatives	36	10.2	89	14.6	54	18.8	32	8.4	33	11.3	64	13.0	45	17.8	24	7.9	3	4.9	25	21.0	9	25.7	8	10.7
Friends	28	8.0	52	8.5	31	10.8	18	4.7	24	8.2	43	8.8	29	11.5	14	4.6	4	6.6	9	7.6	2	5.7	4	5.3
School	5	1.4	22	3.6	7	2.4	7	1.8	3	1.0	19	3.9	6	2.4	5	1.6	2	3.3	3	2.5	1	2.9	2	2.7
Jail	30	8.5	15	2.5	1	0.3	5	1.3	24	8.2	14	2.9			5	1.6	6	9.8	1	0.8	1	2.9		
OTHER SOURCES	67	19.0	117	19.2	46	16.0	74	19.5	53	18.2	92	18.7	39	15.4	67	22.0	14	23.0	25	21.0	7	20.0	7	9.3
Not Reported	9	2.6							5								4							
WITHOUT KNOWLEDGE	100	28.4	107	17.5	35	12.2	96	25.3	90	30.9	87	17.7	31	12.3	83	27.3	10	16.4	20	16.8	4	11.4	13	17.3
Not Reported	1	0.3							1	0.3														
VI. The Laws and Rules on Protection of Juvenile Offenders	352	100.0	610	100.0	288	100.0	379	100.0	291	100.0	491	100.0	253	100.0	304	100.0	61	100.0	119	100.0	35	100.0	75	100.0
WITH KNOWLEDGE	208	59.1	400	65.6	204	70.8	208	54.9	173	59.5	314	64.0	180	71.1	160	52.6	35	57.4	86	72.3	24	68.6	48	64.0
Arresting officer	6	1.7	6	1.0	2	0.7	1	0.3	5	1.7	6	1.2	1	0.4	1	0.3	1	1.6			1	2.9		
Co-inmates	22	6.3	138	22.6	63	21.9	63	16.6	19	6.5	93	18.9	57	22.5	45	14.8	3	4.9	45	37.8	6	17.1	18	24.0
DOJ/Court	3	0.9	12	2.0	11	3.8	12	3.2	2	0.7	11	2.2	11	4.3	9	3.0	1	1.6	1	0.8			3	4.0
Lawyer	13	3.7	15	2.5	5	1.7	10	2.6	10	3.4	3	0.6	5	2.0	3	1.0	3	4.9	12	10.1			7	9.3
Family/Relatives	23	6.5	26	4.3	21	7.3	12	3.2	20	6.9	22	4.5	20	7.9	10	3.3	3	4.9	4	3.4	1	2.9	2	2.7
Friends	18	5.1	35	5.7	24	8.3	13	3.4	16	5.5	28	5.7	21	8.3	5	1.6	2	3.3	7	5.9	3	8.6	8	10.7

Knowledge of Legal Remedies and Options	Type of Jail																							
	Both Sexes								Male								Female							
	City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons		City Jails - Within NCR		City Jails - Outside NCR		Provincial Jails		National Prisons	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
School	8	2.3	14	2.3	6	2.1	5	1.3	6	2.1	13	2.6	5	2.0	4	1.3	2	3.3	1	0.8	1	2.9	1	1.3
Jail	37	10.5	8	1.3	1	0.3	4	1.1	32	11.0	8	1.6			4	1.3	5	8.2			1	2.9		
OTHER SOURCES	72	20.5	148	24.3	75	26.0	88	23.2	57	19.6	132	26.9	63	24.9	79	26.0	15	24.6	16	13.4	12	34.3	9	12.0
Not Reported	6	1.7							6	2.1														
WITHOUT KNOWLEDGE	141	40.1	210	34.4	84	29.2	171	45.1	115	39.5	177	36.0	73	28.9	144	47.4	26	42.6	33	27.7	11	31.4	27	36.0
Not Reported	3	0.9							3	1.0														
VII. Any Knowledge of Legal Procedures After the Arrest	352	100.0	610	100.0	288	100.0	379	100.0	291	100.0	491	100.0	253	100.0	304	100.0	61	100.0	119	100.0	35	100.0	75	100.0
WITH KNOWLEDGE	87	24.7	258	42.3	126	43.8	103	27.2	72	24.7	214	43.6	111	43.9	77	25.33	15	24.6	44	37.0	15	42.9	26	34.7
Arresting officer	2	0.6	7	1.1	10	3.5	1	0.3	2	0.7	6	1.2	9	3.6	1	0.33			1	0.8	1	2.9		
Co-inmates	12	3.4	61	10.0	34	11.8	26	6.9	11	3.8	47	9.6	29	11.5	21	6.91	1	1.6	14	11.8	5	14.3	5	6.7
DOJ/Court	2	0.6	8	1.3	6	2.1	6	1.6	1	0.3	7	1.4	5	2.0	5	1.64	1	1.6	1	0.8	1	2.9	1	1.3
Lawyer	10	2.8	42	6.9	19	6.6	21	5.5	9	3.1	25	5.1	14	5.5	7	2.30	1	1.6	17	14.3	5	14.3	14	18.7
Family/Relatives	10	2.8	23	3.8	11	3.8	2	0.5	9	3.1	21	4.3	11	4.3	2	0.66	1	1.6	2	1.7				
Friends	9	2.6	22	3.6	18	6.3	3	0.8	7	2.4	18	3.7	18	7.1	2	0.66	2	3.3	4	3.4			1	1.3
School	4	1.1	14	2.3	6	2.1	9	2.4	3	1.0	14	2.9	6	2.4	6	1.97	1	1.6					3	4.0
Jail	9	2.6	6	1.0	1	0.3	2	0.5	7	2.4	6	1.2	1	0.4	2	0.66	2	3.3						
OTHER SOURCES	28	8.0	77	12.6	26	9.0	33	8.7	22	7.6	72	14.7	23	9.1	31	10.20	6	9.8	5	4.2	3	8.6	2	2.7
Not Reported	1	0.3							1	0.3														
WITHOUT KNOWLEDGE	265	75.3	352	57.7	162	56.3	276	72.8	219	75.3	277	56.4	142	56.1	227	74.67	46	75.4	75	63.0	20	57.1	49	65.3

TABLE 3-7
INMATES ATTITUDES AND PERCEPTIONS ABOUT THE JUSTICE SYSTEM, APRIL 2003

Statements About Attitudes and Perceptions to the Justice System	Type of Jail								Mean Rating
	Male				Female				
	City Jails - Within NCR	City Jails -Outside NCR	Provincial Jails	National Prisons	City Jails - Within NCR	City Jails -Outside NCR	Provincial Jails	National Prisons	
I. Attitude Towards the Judicial System in General									
D1. I have full trust in the way the judicial system operates	3.5	3.3	3.4	3.3	3.3	3.3	3.3	2.8	3.3
D2. Judges in court are honest, trustworthy, and incorruptible.	3.4	3.0	3.0	2.6	3.4	3.2	3.1	1.9	2.9
D3. Judges in court are just and fair.	3.3	3.0	3.1	2.7	3.5	3.2	3.3	1.8	3.0
D4. Judges in court are fully knowledgeable of legal procedures.	4.1	4.0	4.1	3.8	4.1	4.0	4.1	2.8	2.9
D5. The justice system treats both the rich and the poor equally.	2.8	2.5	2.7	2.6	2.7	2.8	3.0	1.9	2.6
D6. Only the rich could have fair treatment under the law.	3.1	3.3	3.4	3.4	3.3	3.1	2.6	3.6	3.2
D7. The poor could not expect a fair treatment under the law.	3.2	3.5	3.4	3.3	3.3	3.2	3.5	3.8	3.4
II. Adequate Information About the Justice System									
D8. There is adequate access to information on how the justice system works.	3.0	3.0	3.3	3.0	2.9	3.2	3.2	2.7	3.0
D9. There is adequate access to information concerning one's rights.	3.3	3.3	3.3	3.1	3.4	3.4	3.7	2.7	3.3
D10. There is adequate access to information concerning available legal remedies or options to the poor.	3.2	3.2	3.2	3.0	3.5	3.4	3.9	2.6	3.3
D11. There is adequate access to information concerning where to file complaints about delays in cases.	3.2	3.1	3.1	3.0	3.2	3.3	3.1	2.4	3.1
III. Adequacy of Legal Defense									

Statements About Attitudes and Perceptions to the Justice System	Type of Jail								Mean Rating
	Male				Female				
	City Jails - Within NCR	City Jails -Outside NCR	Provincial Jails	National Prisons	City Jails - Within NCR	City Jails -Outside NCR	Provincial Jails	National Prisons	
D12. Everyone has access to adequate legal defense under the country's justice system	3.5	3.5	3.6	3.4	3.5	3.5	3.9	2.7	3.5
D13. My legal counsel is concerned about protecting my rights.	3.7	3.7	3.8	3.5	3.5	3.8	4.2	3.1	3.7
D14. My legal counsel has adequate knowledge and expertise in law.	3.8	3.9	4.0	3.6	3.8	3.9	4.1	2.9	3.7
D15. My legal counsel is doing his/her best in protecting my rights.	3.6	3.7	3.8	3.4	3.6	3.7	4.1	2.8	3.6
D16. My legal counsel explains to me the progress in my case.	3.6	3.6	3.7	3.6	3.5	3.5	4.0	3.0	3.6
D17. My legal counsel explains to me the possible strategies regarding my case.	3.5	3.5	3.5	3.5	3.5	3.6	3.7	2.7	3.4
IV. Unlawful or Unreasonable Delays									
D18. In general, the accused are forced to confess to a crime in order to expedite the litigation of his/her case.	3.2	3.3	3.1	3.5	3.1	2.9	2.8	3.6	3.2
D19. In general, the accused are tortured in order to confess to a crime.	3.3	3.0	2.8	3.4	2.9	2.6	2.2	3.1	2.9
D20. My case is proceeding at a reasonable pace.	2.8	2.9	2.9	2.9	3.0	2.9	3.3	2.7	2.9
D21. My case is proceeding at a faster pace.	4.1	4.0	4.0	3.9	4.3	4.0	4.2	3.8	4.0
V. Effective Remedy for Disadvantaged Inmates									
D22. I could have avoided incarceration if only I have enough money to post bail.	4.0	4.1	4.0	3.9	4.0	3.9	4.3	4.4	4.1
D23. In general, the poor are more likely to be detained pending trial.	4.1	4.1	4.0	4.0	4.2	4.1	4.1	4.5	4.1
D24. In general, the poor have access to free service of a	3.7	3.7	3.9	3.6	3.6	3.9	4.0	3.3	3.7

Statements About Attitudes and Perceptions to the Justice System	Type of Jail								Mean Rating
	Male				Female				
	City Jails - Within NCR	City Jails -Outside NCR	Provincial Jails	National Prisons	City Jails - Within NCR	City Jails -Outside NCR	Provincial Jails	National Prisons	
lawyer.									
D25. In general, the poor have access to effective service of a lawyer.	3.3	2.8	3.0	3.0	3.4	3.3	3.4	2.6	3.1
D26. In general, the poor are likely to be tortured or forced to confess to a crime.	3.6	3.3	3.3	3.7	3.3	2.9	2.5	3.7	3.3
VI. Adequacy of Protection for Juvenile Offenders and Women									
D27. Juvenile Offenders must be separated from adult offenders.	4.1	4.2	4.2	4.1	4.1	4.2	4.4	4.5	4.2
D28. There is adequate protection for juvenile offenders under the country's laws.	4.1	3.9	4.0	3.9	4.0	3.9	4.1	3.6	4.0
D29. There is adequate protection for women inmates under the country's laws.	4.1	3.9	4.0	3.8	4.1	4.1	4.1	4.0	4.0

NOTE ON RATING SYSTEM:

Strongly Agree: 5.0

Agree: 4.0 to 4.9

Undecided: 3.0 to 3.9

Disagree: 2.0 to 2.9

Strongly Disagree: 1.0 to 1.9

4

INSTITUTIONAL ASSESSMENT

1 INTRODUCTION

- 1.1.1 This section focuses on the review of the institutional capacity of the Bureau of Jail Management and Penology (BJMP), which is under the Department of the Interior and Local Government (DILG), and the Parole and Probation Administration (PPA), which is under the Department of Justice (DOJ). BJMP and PPA are among the key agencies of the national government involved in the administration and operation of the Philippine Corrections System. The BJMP directs, supervises and controls all district, city and municipal jails nationwide. The PPA, on the other hand, administers the parole and probation system.
- 1.1.2 This section specifically reviews the capacity of BJMP and PPA in undertaking their respective mandates and in enhancing access to justice by inmates as members of the disadvantaged groups of society, within the overall context of the Philippine Correction System and applicable human rights standards.

2 BUREAU OF JAIL MANAGEMENT AND PENOLOGY

2.1 Mandate and Functions

- 2.1.1 The BJMP was created as line bureau of the Department of the Interior and Local Government by virtue of RA 6975, which took effect on January 2, 1991. It is mandated to direct, supervise and control the administration and operation of all district, city and municipal jails nationwide. The forerunner organization of the BJMP was the Office of the Jail Management and Penology (OJMP), a staff unit under the defunct PC/INP.
- 2.1.2 The BJMP has clear and comprehensive statements of objectives in undertaking its legal mandate, which includes the explicit adoption of the norms, standards, and principles captured in the UN conventions/treaties and instruments. These objectives are as follows:
- Improve the living conditions of offenders in accordance with accepted standards set by the United Nations for the treatment of prisoners and detainees;
 - Enhance the rehabilitation and reformation of offenders in preparation for their eventual reintegration to the mainstream of society upon release; and
 - To provide and develop professionalized jail services.

2.1.3 Based on its rules and regulations, the Bureau undertakes the following functions:

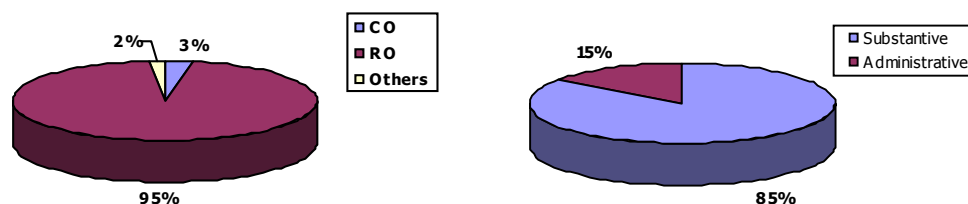
- Formulate policies and guidelines on the administration of all district, city and municipal jails nationwide;
- Formulate and implement policies for the programs of correction, rehabilitation and treatment of inmates;
- Plan and program funds for the subsistence allowance of inmates; and
- Conduct researches, develop and implement plans and programs for the improvement of jail services throughout the country.

2.2 High Level Structure

2.2.1 BJMP is headed by a Chief with the rank of Director, and assisted by a Deputy Chief with the rank of Chief Superintendent. The operations of the Bureau are undertaken by a network of staff units in the central office, and regional, provincial, district, city and municipal offices in the field. The existing organization structure of the BJMP is depicted in Figure 4-2.

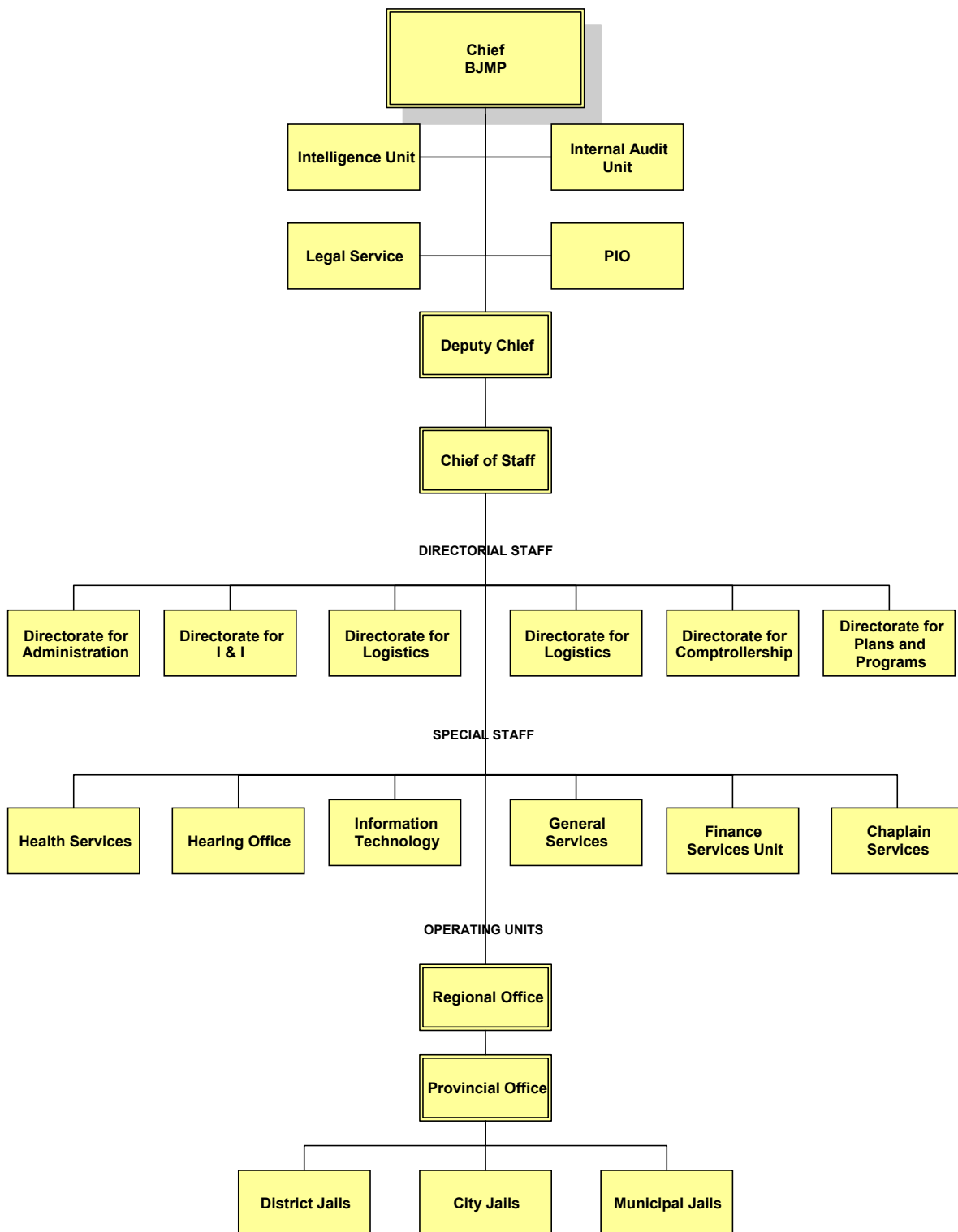
2.2.2 The BJMP started operation in 1991 with an initial personnel complement of 500 to man all its offices nationwide. As of 2001, the manpower complement of the Bureau has grown to 6,382 personnel. The deployment of the Bureau's personnel is depicted in Figure 4-1.

**FIGURE 4-1
DEPLOYMENT OF BJMP PERSONNEL**



2.2.3 The bulk of the BJMP personnel are deployed in Regional Offices, which serve as the service production and delivery arm of the BJMP. The current workforce is composed of 670 officers, 5,641 non-officers and 71 non-uniformed personnel. Of this number, 85% are performing substantive mission-critical functions while the remainder is handling administrative functions.

**FIGURE 4-2
ORGANIZATION STRUCTURE, BJMP**



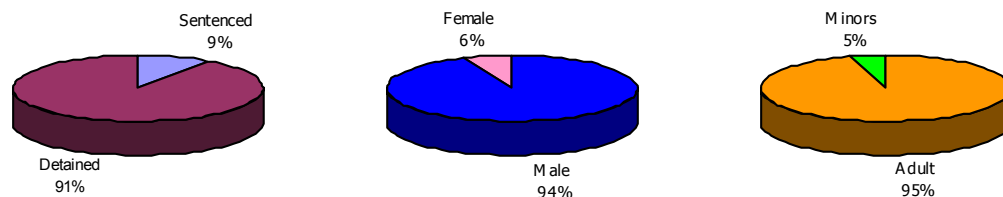
2.3 Jail Operations and Supervision

Operational jurisdiction of BJMP

Jail is defined as a place of confinement for inmates under investigation, awaiting or undergoing trial, or serving short-term sentence (BJMP, 2001). It is differentiated from the term “prison” which refers to the national prisons or penitentiaries managed and supervised by the BuCor. It is also important to distinguish a detainee from a prisoner, both of whom are called inmates. A detainee is a person accused before a court or competent authority who is temporarily confined in jail while undergoing investigation/trial, awaiting final judgment. Under Philippine laws, a detainee is presumed innocent and must be treated as such even inside jails. On the other hand, a prisoner is an inmate who is convicted by final judgment of the court. Generally, only those prisoners who have been sentenced to a prison term of 3 years or less shall be housed in jails. Prisoners sentenced for a longer term, otherwise known as national prisoners, must stay in penitentiaries.

- 2.3.1 Jails include provincial, district, city and municipal jails. Provincial jails, numbering 104 in all including sub-provincial extensions, are under the supervision and control of the provincial government. The administration of district, city and municipal jails are shared between the BJMP and PNP. Specifically, a district jail is a cluster of small jails, each having a monthly average population of ten or less inmates, and is located within the vicinity of the court. Jail clustering is a strategy, which has been adopted by the BJMP to save on administrative and operational expenses.
- 2.3.2 The BJMP has legal jurisdiction over 41,594 inmates (BJMP, 2002). The majority of inmates, numbering 37,697 persons, are classified as detainees. Only 3,897 are convicted to prison terms. Male inmates, numbering 38,989 persons, dominate the jail population. Furthermore, there are 1,968 minors who are continually confined in jails. They comprise about 5% of the total jail population, which is close to the distribution of minors in the National Survey of Inmates.

**FIGURE 4-3
PROFILE OF THE JAIL POPULATION**



Institutional Procedures

2.3.3 Based on the BJMP Rules and Regulations, entry to the jail system is done through a commitment order from the court or any other competent authority consigning a person to a jail for confinement. The following processes are involved in the management of jails:

- Reception, classification and discipline of inmates
- Custody, security and control, including movement and transfer of prisoners and detainees
- Rehabilitation, including the provision of treatment program, health services, education and training, religious services, guidance and counseling services, provision for recreation and sports, and implementation of work programs.

Reception of inmates

2.3.4 Effective jail management begins with a well-planned and orderly reception of inmates, which will provide initial impression of the correctional process. The procedures for the reception of inmates are as follows:

- Preliminaries, which involves ensuring integrity and completeness of inmates records related to his commitment, and conduct of physical search for contrabands, turn-over of inmates cash and personal property for and other bodily marks;
- Conduct of medical examination and preparation of inmate's medical record
- Conduct of social case study by a social worker, as basis for the inmate's classification and proper segregation
- Provision of jail clothing for convicted inmates (detainees may be allowed to wear civilian clothes)
- Conduct of briefing on jail rules and regulations
- Preparation of prison record which shall be maintained by the Warden
- Assignment of quarter

2.3.5 Incarceration in jail is also called preventive imprisonment. The preventive imprisonment of a detainee may be credited in the service of prison sentence provided he agrees voluntarily in writing to abide by the rules of the jail, particularly in work and discipline. An evidentiary document to this effect is prepared and signed by the inmate. The same shall be submitted to the proper court before the date set for the arraignment of the detainee.

Classification of inmates

- 2.3.6 Each jail has a Classification Board, chaired by the Assistant Warden. The Board is tasked to determine the work assignment, type of supervision and degree of custody and restriction that must be applied to an inmate. Inmates are required to appear before the Classification Board to discuss the rehabilitation program of the jail.
- 2.3.7 Classification of inmates refers to their grouping according to sentence, gender, age, nationality, health, criminal records, among others.

Discipline of inmates

- 2.3.8 A Disciplinary Board is organized and maintained by jails to investigate and hear disciplinary cases involving any inmate who violates jail rules and regulations. The Board is authorized to impose disciplinary punishments ranging from reprimand to solitary confinement. The BJMP Rules and Regulations explicitly prohibit imposition of punishments that would violate the human rights of inmates.
- 2.3.9 Discipline is central to the rehabilitation of offenders while in jails. However, while inmates must abide by institutional rules, they also establish their own rules for themselves, which form part of the so called “prison subculture”. This subculture has its own status structure and hierarchy of authority. In some jails, inmates fear the reprisals for rule violations under this prison subculture than formal administrative rules and punishments. The influence of this subculture is probably the reason why some prohibited acts of inmates are already openly allowed/tolerated in some jails. Some of these prohibited acts are as follows:

TABLE 4-1
SELECTED PROHIBITED ACTS OF INMATES

Minor Offenses	Less Grave Offenses	Grave Offenses
<ul style="list-style-type: none"> Selling or bartering with fellow inmate of items not classified as contraband Rendering of personal service to fellow inmate Untidy or dirty in his personal appearance Littering or failing to maintain cleanliness and orderliness in his quarters and/or surroundings 	<ul style="list-style-type: none"> Swearing, cursing or using profane or defamatory language, directed personally towards other persons Forcing fellow inmates to render personal service to himself and/or others 	<ul style="list-style-type: none"> Giving gifts, selling to, or bartering with jail personnel Keeping in his possession money, jewelry, or other contraband Tattooing others or avowing himself to be tattooed on any part of the body, or keeping any paraphernalia to be used in tattooing Punishing or inflicting injury or harm upon himself or other inmates Participating in any kangaroo court or mock court of inmates in a jail/prison Affiliating oneself to any gang or faction

Custody, security and control

2.3.10 Jail custody, security and control are the primary responsibilities of the BJMP custodial force. These involve the following activities:

- Supervision and maintenance the order and discipline of inmates on a 24 hour basis inside jail facilities
- Maintenance of inner and outer perimeter security
- Provision of escort to inmates when attending court hearings, seeking medical services in hospital, and in other activities outside jail confinement
- Guard against escapes, assault on jail personnel and inmates' disturbances
- Dealing with emergencies, like fires, riots, and the like.

2.3.11 The institutional procedures to ensure security and control includes the following:

- Strict control of firearms, bladed weapons, and other potentially dangerous weapons
- Censorship of incoming and outgoing mails for inmates
- Physical head count at specified times on a 24-hour period
- Development of plans and adequate preparation for emergencies and disturbances
- Inspection and searches of offenders and their quarters to detect contraband

2.3.12 Search inspections in inmates' cells are intended to rid jails of prohibited items, including devices that can be used to escape or to transact illegal activities within and beyond the confines of the jail. These searches yield contrabands such as illegal drugs, alcoholic beverages, deadly weapons, mobile phones, and cash money.

Rehabilitation

2.3.13 Rehabilitation programs are intended to change inmate's pattern of criminal behavior and reform them into law-abiding and productive citizens. The BJMP refers to these programs collectively as treatment program for inmates. The treatment program includes the following services:

- Provisions for basic needs of inmates;
- Health services;
- Education and skills training;
- Religious services, guidance and counseling services;
- Recreation, sports and entertainment;
- Work programs, such as livelihood projects;

- Visitation services; and
- Mail services.

2.3.14 BJMP coordinates with government and non-government organizations for medical, legal and counseling service requirements of inmates. The treatment program for inmates is admittedly budget intensive. It requires BJMP to pursue and maintain linkages with the media, religious organizations, private enterprises, educational institutions, and civil society organization, to mobilize additional resource and source out support services.

2.4 Capacity Assessment

Diffusion of jail management and supervision functions creates inefficiencies in the administration of the corrections system

- 2.4.1 The BJMP, PNP, BuCor, DSWD and the provincial governments are involved in the administration of the corrections system. While existing laws, rules and regulations are quite clear in delineating the responsibilities of the agencies concerned, prevailing situations indicate disorganization. There are national prisoners who are continually confined in jails. Youthful offenders are immersed with adult inmates. These problems create functional overlaps and duplication and adversely affecting the implementation of appropriate corrective and rehabilitative programs for inmates.
- 2.4.2 The need for an integrated system for the supervision of jails is apparent. Agencies involved in the system are performing similar and associated functions, based on their legal mandates and actual practices. The high rate of affinity (Table 4-2) among the agencies is indicative of the degree of duplication and overlapping of functions.

TABLE 4-2
AFFINITY OF FUNCTIONS AMONG CORRECTION AGENCIES

Agency Function	BJMP/PNP	BuCor	Provincial Government
Detention/confinement			
• Prisoners	1	1	1
• Detainees	1	0	1
Correction/rehabilitation	1	1	1
Legend: 1 = with affinity 0 = without affinity	Rate of affinity: 88% (computed by adding the values and dividing the sum by the number of cells)		

2.4.3 Several measures have been proffered to achieve the appropriate synchronization, coordination and convergence of the currently fragmented structure of the corrections system to address existing dysfunctions. A previous measure to address such fragmentation problem was directed under Executive Order No. 324 dated 12April 1996 that created a Review Committee of Corrections System (RCCS). The body was chaired by the DOJ Secretary with the different government agencies concerned with correction activities and representatives from NGOs. RCCS recommended the creation of a Bureau of Correctional Services under the DOJ or the DILG, integrating in such agency all the national penitentiaries, provincial, sub-provincial, district, city and municipal jails. The PPA and BPP will be maintained as separate attached agencies of the DOJ.

2.4.4 This recommendation of the Committee deviates from an earlier proposal of the correction agencies to create a Department of Corrections, an organizational model for corrections system patterned after those of the United States, England and certain Scandinavian countries. The proposed Department will integrate all correction activities, including parole, pardon and probation. The Committee however argued that the creation of a department runs counter to the government's streamlining thrust.

BJMP's direction towards centralization and nationalization of all local jails is not consistent with the government policy of deepening devolution, enhancing capacity of the LGUs, and people empowerment.

2.4.5 The BJMP conducted a survey on the willingness of the Provincial Governors of 79 provinces to turn-over the supervision and operation of provincial jails to the BJMP. According to the BJMP, 55 Governors agree to this arrangement, while the remaining 24 are either unwilling or undecided. BJMP is in favor of integrating provincial and extension jails into the national jail system and strongly support the passage of legislation that would centralize the management of jails amid reports of escapees and VIP treatment given to some convicts in the provinces (INQ7.net, 2002). By implication, BJMP will also absorb the existing 18,104 inmates and 2,861 personnel of provincial and extension jails.

2.4.6 Willingness however does not speak of capacity. The transfer of provincial jails to the jurisdiction of BJMP requires additional budget for inmates and personal services for the custodial force, both of which are underprovided at present. It is doubtful whether the current resources of BJMP will be able to support the administration of additional jail facilities and inmates. Furthermore, the nationalization of provincial jails also negates the government's policy of deepening devolution and decentralization to local government units.

2.4.7 An integrated correction system calls for stronger partnership between the national government and local government units. The Local Government Code of 1991 (RA 7160) mandates the implementation of a system of decentralization whereby the local government units are given more powers, authority, responsibilities and resources to enable them attain their fullest development as self-reliant communities and thus make them more effective partners in the attainment of national goals. Under the Code, the Sangguniang Bayan (legislative body of the municipality), Sangguniang Panlungsod (legislative body of the city), and the Sangguniang

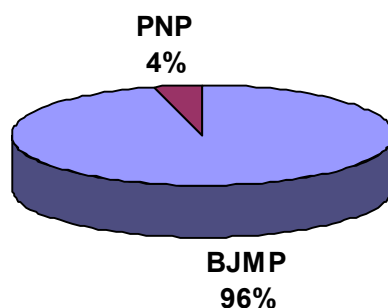
Panlalawigan (legislative body of the province) are authorized to, among others, enact/approve ordinances that will ensure the efficient and effective delivery of basic services and facilities in their respective areas of jurisdiction. They are mandated under the Code to establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management program, and appropriate funds for the subsistence of detainees and convicted prisoners in the municipality, city, and province. At present, LGUs are already extending support to the BJMP in terms of additional budget and subsidies for inmates, transportation support for court hearings, free medical services and medicines, and putting up of livelihood projects. LGUs are also providing additional monetary and non-monetary benefits to jail personnel, initiating the construction, repair and maintenance of jail facilities, donating lots and equipment, and taking on part of the cost of jail operations.

- 2.4.8 Within the decentralization policy of the government, the feasibility of granting substantial responsibilities to local government units in jail management and penology may be looked into. It requires the strengthening of BJMP and CHR's oversight and monitoring functions to ensure that provincial, district, city and municipal jails comply with national and international human rights standards. It likewise shifts responsibilities to directly manage and operate jails to local government units, in partnership with civil society organizations and private enterprises.

Sharing of responsibilities between BJMP and PNP dilutes accountability and undermines the effectiveness of rehabilitation programs

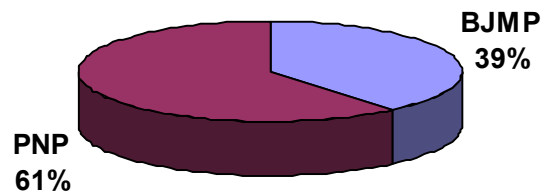
- 2.4.9 The BJMP has been operating as a separate agency for 12 years already. However, the administration of district, city and municipal jails are still shared by BJMP with PNP. Figure 4-4 indicates that BJMP jails house 39,847 inmates or 96% of the total jail population, while the PNP maintains 1,747 inmates or 4% of the total jail population.

**FIGURE 4-4
DISTRIBUTION OF INMATES IN BJMP- AND PNP-MANNED JAILS**



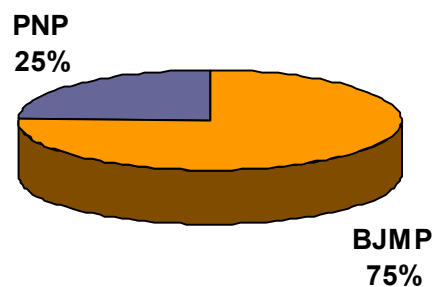
- 2.4.10 While the BJMP takes cognizance over the majority of jail inmates, the PNP has dominance in manning 61% of 1,223 jail facilities within the legal jurisdiction of the BJMP, as illustrated in Figure 4-5.

**FIGURE 4-5
DISTRIBUTION OF JAIL FACILITIES**



2.4.11 The combined custodial force of PNP and BJMP is 6,945 personnel. About 1,725 of these personnel are from the PNP, while 5,220 are from BJMP.

**TABLE 4-6
DISTRIBUTION OF CUSTODIAL FORCE BETWEEN BJMP AND PNP**



2.4.12 With this arrangement persisting, the accountability in the administration of jail is diluted. Shared accountability is zero accountability. The BJMP and PNP have no principal-agent relationship, that is, PNP is not accountable to BJMP nor BJMP exercises supervision and control over PNP personnel. The BJMP, as the agency legally mandated to exercise supervision and control over local jails (except provincial jails) is ultimately accountable for the performance of the entire jail system. Hence, at present it provides subsistence allowance and other operating expenses for inmates confined in these jails. The PNP does not partake of this accountability, and hence lacks the incentive for improved individual and organizational performance in jail administration.

2.4.13 The protracted arrangement on sharing of jail responsibilities gives rise to questions on the quality of rehabilitation services being accorded to inmates. Based on sound practices in crime prevention and control, police service is separate and distinct from correction and rehabilitation, particularly in terms immediate outcomes sought and expertise required. The rehabilitation of offenders and reintegration of those who can become law-abiding and productive members of the community are functions that go beyond policing. They involve the administration of treatment programs by penology experts or correctional officers to alter inmates' pattern of criminal behavior. These functions go beyond the core competencies of police forces. Likewise, the services of police personnel assigned to perform jail duties are not optimized.

- 2.4.14 With the sluggish rate of hiring new jail officers because of the lack of funds and low salaries for uniformed personnel, it is unlikely that the sharing of jail responsibilities with PNP will cease in the next few years. In fact, at present this scheme is encourage as may be seen in Section 2 of the Special Provisions for the BJMP under the 2003 General Appropriations Act. The provision directs the PNP to continually provide adequate number of uniformed personnel to act as jail guards until after sufficient guard positions have been created in the different municipal, city and district jails.

Imbalance or disparity in the custodial force and jail population poses threats to the security of jails and the community at large

- 2.4.15 The objective of jail custody, security and control is to maintain adequate number of personnel to maintain order and ensure security in jail facilities and to effectively administer rehabilitative programs for inmates. About 5,220 personnel of the total 6,382 BJMP employees, directly perform jail duties. This figure is further disaggregated into those providing custodial services (3,759 personnel) and those rendering escort duties (1,461 personnel). As may be seen in Table 4-3, the number of inmates assigned to jail guards far exceeds the minimum standards set by the BJMP (BJMP Rules and Regulations). For custodial services, the ideal ratio is 1:7, that is, one jail guard having custody for every 7 inmates. At present, the ratio is 1:33. In the case of escort services, the ideal ratio is 1:1+1 which means that for one inmate to be escorted outside the jail there must be assigned one jail guard plus one supervisor. Right now, the ratio is 3:1 or 3 inmates being escorted by one jail guard without supervisor.

**TABLE 4-3
ACTUAL AND IDEAL RATIO OF JAILGUARDS TO INMATES
(CUSTODIAL AND ESCORT)**

Type of Jail Duties	Total No. of Jailguards	Total No. of Inmates	Actual Ratio	Ideal Ratio
Custodial	3,759	41,594	1:33 ^a	1:7 ^b
Escort	1,416	4,159 ^c	3:1	1:1+1
Note: a. Actual ratio per shift b. Ideal ratio per shift c. Daily average of no. of inmates escorted for court hearing				

- 2.4.16 Even with the abovementioned augmentation from the PNP, the present strength of BJMP custodial force is dismally low. This situation poses a clear and present threat to the security of jail personnel and the society in general. With a weakened security, assault of jail officers, jail disturbances, jailbreaks and escapes will be frequent and have inherent potentials to become widespread and more violent.
- 2.4.17 With persisting deficiencies in jail personnel, which complicate problems such as congestion and lack of equipment, it is easier for inmates to bolt out of jail. There are about 704 escapees from 1997 to 2001. While the BJMP pursues vigorous efforts to recapture escapees, only 61.6% of fugitives are retrieved (Table 4-4). This means

that 4 out of 10 inmates who bolted of jail are never recaptured for various reasons. Based on 2002 data, about 92% of escapes occurred while inmates are under custody or within jail facility, while 8% escaped under escort or outside the jail facility. Ironically, one of the most common modality of escape is by “passing through the main gate unnoticed.” Incidence of escapes and the low recovery rate is indicative of BJMP’s poor performance in custody, security and control services.

TABLE 4-4
RECOVERY OF ESCAPED INMATES

Particulars	1997	1998	1999	2000	2001	Total
At large (carry over from previous year)		94	130	153	228	
Escapees for the current year	192	81	127	181	123	704
Recaptured	98	45	104	106	81	434
At large (end of current year)	94	130	153	228	270	270
Recovery Rate	61.6%					

Jail congestion is central to jail operation and management problems as it leads to many secondary problems, including human rights abuses

- 2.4.18 A jail facility is overcrowded by comparing the inmate population to various criteria (e.g., number of beds, operational capacity, or structural design) that indicate the capacity of the institution. In the Philippines, jail congestion is determined by comparing inmates’ population with the **design capacity** or the optimum number of inmates that structure can actually accommodate. Jail congestion occurs whenever the inmate population exceeds the design capacity. Several documents have been reviewed to determine congestion in BJMP jails. While the issue of jail congestion appears in its annual accomplishment reports from 1997 to 2001, the BJMP does not have a complete set of statistics on jail congestion. In its 1997 accomplishment report, BJMP presented the number of jails by region that are “considered” congested but did not present a comparison of the overall inmate’s population with the design capacity of all jails. A separate study on the other hand deals with the seriousness of jail congestion based on “perceptions” (Taeza, 200). Jail congestion in BJMP is more discussed, experienced, and perceived than documented.
- 2.4.19 A realistic measure of jail congestion is by determining the **operational capacity** of the BJMP. Under this indicator, jail congestion is determined by ascertaining the number of inmates that can be accommodated based on the size of a BJMP’s staff, programs, and other services. BJMP may explore the possibility of adopting this measure considering its limited institutional capacity in terms of personnel, budget, programs and services. Responding to jail congestion goes beyond the creation of new space or expanding existing space. It must deal with enhancing the overall capacity of the BJMP to manage and operate district, city and municipal jails.
- 2.4.20 Based on studies in other countries and as reported in BJMP official documents, jail congestions leads to many secondary problems, such as human rights abuses and physical, sociological, emotional, and psychological stress which contribute to jail

disturbances, violence, desire to escape, suicide, mental illness and other disciplinary infractions. This may be demonstrated by looking at the Manila City Jail as a case study.

- 2.4.21 Jail population in the National Capital Region (NCR) accounts for about 34% of the total inmates in jails nationwide. Based on the July 2002 data of the BJMP, NCR jails, numbering 22 in all, suffer from an average congestion rate of 123% (Table 4-5). Foremost among these overcrowded jails is the Manila City Jail where congestion rate is estimated at 280%.

TABLE 4-5
NCR JAILS POPULATION AND CONGESTION RATE

JAIL		NO. OF INMATES	CAPACITY	EXCESS	CONGESTION RATE (%)
1	Metro Manila Rehabilitation Center	1,246	588	658	112
2	Kalookan City Jail	1,339	560	779	139
3	Las Pinas City Jail	369	100	269	269
4	Makati City Jail	411	268	143	53
5	Mandaluyong City Jail	438	230	208	90
6	Manila City Jail	3,800	1,000	2,800	280
7	Marikina City Jail	333	800	-467	-58
8	Muntinlupa City Jail	356	200	156	78
9	Paranaque City Jail	674	260	414	159
10	Pasay City Jail	711	295	416	141
11	Pasig City Jail	492	280	212	76
12	Quezon City Jail	1,953	815	1,138	140
13	Valenzuela City Jail	270	100	170	170
14	Malabon City Jail	384	150	234	156
15	Molave Youth Home	168	70	98	140
16	Navotas Municipal Jail	305	110	195	177
17	Pateros Municipal Jail	80	65	15	23
18	Rodriguez Municipal Jail	116	75	41	55
19	San Juan Municipal Jail	102	72	30	42
20	San Mateo Municipal Jail	99	32	67	209
21	Taguig Municipal Jail	285	110	175	159

JAIL		NO. OF INMATES	CAPACITY	EXCESS	CONGESTION RATE (%)
22	Quezon City Female Dormitory	185	100	85	85
	TOTAL	14,116	6,280	7,836	
	AVERAGE CONGESTION RATE (%)				123

Source: BJMP

2.4.22 Based on BJMP's records on Manila City Jail, there is an increase of 233% in the number of inmates who died in year 2002 compared to 2001. During the aforesaid period congestion rate increased from 186% to 218% on the average. There are also inmates who are sick of various ailments, which include psychiatric problems, pulmonary tuberculosis, and skin disorder, among others. BJMP is attributing the increase in mortality rate primarily to jail congestion/overcrowding. Contributing to this is malnutrition due to inadequate and improper food supply to inmates, and insufficiency of budget for the growing health care needs of inmates.

2.4.23 The BJMP adopts front door solutions to address congestion in jails. BJMP implements the release programs under applicable laws, collaborates with allied agencies for support, and hastens the processing of inmates' Good Conduct Time Allowance or GCTA (a scheme whereby certain number of days is deducted from an inmate's sentence if he displays good behavior and has no record of breach of discipline or violations of jail rules and regulations).

Persistence of human rights abuses

2.4.24 International and national human rights instruments provide guarantees the fundamental rights of prisoners and detainees. Despite all these guarantees, human rights abuses persist in prisons and jails (CHR, 1993). These include the denial of the rights to counsel and speedy trial, illegal/arbitrary arrest/detention, torture, maltreatment/physical injuries, sexual harassment/abuse against chastity, and deprivation of the right to basic services. More recently, the Task Force Detainees of the Philippines (TFDP) has documented 18 cases of torture involving 59 individuals for the year 2002, which will be now added to the 6,340 persons subjected to torture since February 1974 (de Mesa, 2003). In September 2002, The Peoples Recovery, Empowerment and Development Assistance Foundation, Inc. (PREDA), an NGO on human rights promotion and protection, documented cases where juvenile inmates suffer from human rights abuses, such as arbitrary and illegal detention, denial of rights to bail and legal assistance, incarceration together with adult inmates, and physical abuses including torture and inhuman treatment. The Ateneo Human Rights Center (AHRC), in a separate study conducted on children in conflict with the law and the juvenile justice system, suggested that selected incidents of violation of the rights of some children arrested, investigated and tried before the courts tend to indicate that there may be more of these incidents in practice occurring at various stages of the juvenile justice process. The persistence of these human rights abuses highlights a serious discrepancy between the law and its application within the criminal justice system (TFDP, 2003).

Deficiencies in accessing exit opportunities through public-private partnership or divestment of correction and rehabilitation functions to civil society organizations and private enterprises

- 2.4.25 Philippine jails and prison are operated and funded through public revenues as government assumes the primary responsibility of administering the corrections and rehabilitation system. With inmates' population steadily growing at 9.4% average annual growth rate, pressures on the national coffer and BJMP organizational resources to meet growing service requirements are increasing. BJMP must explore ways to optimize its scarce resources.
- 2.4.26 A step in the right direction is the clustering of jails. BJMP recently initiated a restructuring of existing local jails system by doing away with the municipal, city and district jail concept. Instead, the Bureau will construct strategically located district jails. This scheme is expected to result in less overhead cost and optimum use of personnel and resources for the rehabilitation of inmates. BJMP is envisioning cutting down the existing 1,223 district, city and municipal jails, to 229 district jail facilities.
- 2.4.27 Another option available to BJMP is to encourage civil society organizations and private enterprises to become active participants in the correction and rehabilitation sector. BJMP must prioritize its existing programs and intervention by determining which of the "must dos" can BJMP realistically do considering the tight fiscal situation of the government. Through this BJMP can explore ways to deliver other programs and activities through alternative means. In this way, BJMP is setting the entry points for private sector participation in correction and rehabilitation. These entities have been tested in many areas as effective and efficient in the delivery of public goods and services. The Philippine may explore the possibility of opening up jails and prisons to correction industries, which are adopted widely in the United States with tremendous successes, particularly in pulling down public expenditure for the maintenance of jails. However, these arrangements may be adopted progressively and with full consideration of the political, ethical and moral implications that such schemes may create.

2.5 Reform Implications

- 2.5.1 The above capacity assessment point to the following reform implications
- Development of an integrated system of correction and rehabilitation, which is characterized by a strong partnership between the national government and the local government units
 - Strengthening of BJMP's oversight and monitoring functions
 - The BJMP and PNP to have to principal-agent relationship; clustering of jails to optimize existing manpower force; acceleration of the turn-over of jails to BJMP and hiring of additional jail personnel
 - Pursue aggressively front door solutions to address congestion in jails, including the release programs under applicable laws

- Reorient jail personnel on human rights of inmates; adopt stringent rules and regulations against human rights abuses inside prisons and jails
- Setting of clear entry points for wider private sector participation in correction and rehabilitation

3 PAROLE AND PROBATION ADMINISTRATION

3.1 Mandate and Functions

- 3.1.1 The PPA was created under Executive Order No. 292 (Administrative Code of 1987) date July 25, 1987, replacing the then Probation Administration and continuing its functions. The Probation Administration was created under Presidential Decree No. 968 dated July 24, 1976 to promote the correction and rehabilitation of offenders through personalized and community-based treatment, provide opportunities for their reformation and reintegration into the community, and prevent the commission of offenses.
- 3.1.2 PPA administers the parole and probation system under PD 968, as amended, and exercises general supervision over all offenders who were released through probation, parole and pardon. The PPA further promotes the correction and rehabilitation of said offenders.

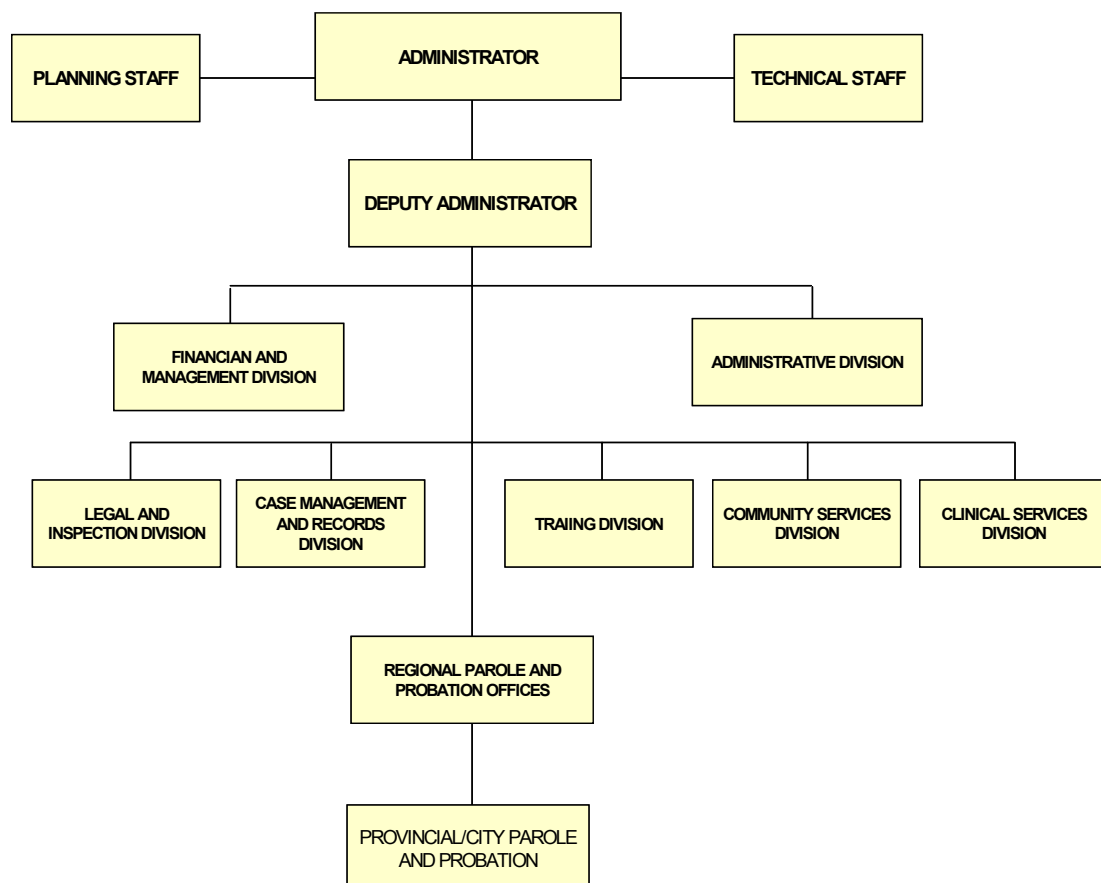
3.2 Historical Background

- 3.2.1 The enactment of the juvenile probation law under the 1932 Revised Penal Code started the probation system in the country. Commonwealth Act 4221 was issued in 1935 providing for the adult probation system. PD 968, as amended provides for the rules and regulations on probation, which are currently enforced. The PPA, which replaced the old Probation Administration, is mandated to administer the provisions of said probation law.
- 3.2.2 The PPA under PD 968 specifically supervises offenders who were released on probation and parole, or were granted pardon with parole conditions. Under Resolution No. 229 of the Board of Pardons and Parole (BPP) issued in 1991, it conducts investigation on behalf of the BPP on inmates who are being considered for parole or the grant of executive clemency.

3.3 High-Level Organization Structure

- 3.3.1 PPA is headed by an Administrator. As the agency's Executive Officer, he exercises overall supervision and control over the operations of the PPA, including those in the field. The Administrator is assisted by an Assistant Probation Administrator. These two highest-ranking officials of the agency are both appointed by the President of the Philippines.
- 3.3.2 The PPA's organization structure is shown in Figure 4-7. It consists of seven divisions (Financial and Management, Administrative, Legal and Inspection, Case Management and Records, Training, Community Services, and Clinical Services Divisions), 15 Regional Parole and Probation Offices, 202 Provincial/City Parole and Probation Offices, 13 Sub-Provincial/City Parole and Probation Offices, and 73 Extension Offices. A Planning Staff and Technical Staff in the immediate office of the Administrator assist in planning and in regional coordination functions, respectively.

**FIGURE 4-7
ORGANIZATIONAL STRUCTURE OF PPA**



3.4 Administration of the Parole and Probation System

3.4.1 The programs and activities of the PPA fall either under Investigation of Supervision.

Investigation

3.4.2 PPA undertakes the following functions under its investigation mandate:

- Conduct character investigation of petitioners/applicants for probation referred for evaluation by the courts;
- Conduct studies on the petitioner's antecedents, mental and physical conditions, character, socio-economic status, criminal records, family and educational background and other aspects of his life;
- Submit to the court a post-sentence investigation report, which will be the basis for granting or denying probation; and Conduct pre-parole and executive clemency investigation and submission of recommendations to the Board of Pardons and Parole.

3.4.3 PPA undertakes an investigation on the character of an inmate-petitioner for probation, parole or executive clemency, including his antecedents, mental and physical conditions, socio-economic status, criminal records, family and educational background. It prepares a Post-Sentence Investigation Report (PSIR) for the purpose, and submits this document with its findings and recommendations to the trial court with regard to a probation request, or to the BPP for consideration on requests for parole and executive clemency. The Board accordingly endorses for the President's final decision its recommendation on executive clemency.

3.4.4 The investigation of petitions for probation comprises about 90% of the total workload of the agency, with only 10% comprising investigation activities relative to requests for parole and executive clemency. The PPA however experiences annual backlogs in investigation function, as indicated in its performance reports.

3.4.5 One primary operational issue is difficulty in coordination with other pertinent agencies like the courts, the police, barangays, National Bureau of Investigation and the prosecutors' offices criminal records of inmates have to be verified. In certain field units of these agencies, records are not well maintained. This makes PPA's work more tedious. The situation calls for an installation of computer-based information system among these agencies.

Supervision

3.4.6 Under its supervision mandate, the PPA undertakes the following:

- Provide guidelines, rules and regulations on the implementation of the Probation law, and on the proper compliance/observance by clients of their conditions for parole, probation and pardon;
- Monitor compliance by clients of said conditions and report same to pertinent authorities; and

- Undertake reformation programs for probationers, parolees and pardonees through community-based rehabilitation/treatment activities like job-placement referrals, vocational skills training, literacy programs, livelihood projects and other moral, spiritual, social and economic activities to uplift their lives.
- 3.4.7 PPA authorizes its clients of authority to travel abroad and change residence, subject to certain conditions provided under the Probation Order or the Discharge Document in the case of parole and conditional pardon. PPA reports to the court any violation of the provisions of the Probation Order, and to the BPP on violations of the requirements under the discharge documents for parole and conditional pardon.
- 3.4.8 PPA likewise undertakes advocacy and promotion activities. These include its volunteerism program where Volunteer Probation Aides (VPAs) are trained to assist the regular Provincial or City Probation Officers in investigation and supervision activities on client-probationers, parolees and pardonees. The strategy is aimed at generating more citizens' participation in rehabilitation activities and restorative justice programs.
- 3.4.9 The PPA has implemented since 1998 a therapeutic community program as a rehabilitation strategy for drug-dependent probationers, parolees and pardonees. This approach primarily involves counseling services and training programs for correction officers. The modality uses "group pressure approach" to foster the personal growth of a client by changing his individual lifestyle through the community or concerned people working together.
- 3.4.10 PPA's clients (pardonees, parolees, probationers) increase by about 18,000 annually. This contributes to the heavy workload of its Parole and Probation Officers in the field. With limited resources available to the agency, there is a need to mobilize the community and civil society in rehabilitation programs.
- 3.4.11 PPA has the highest potential for public-private sector partnership, especially with the media for needed advocacy and promotion support. The media can help in the advocacy and promotion activities of the PPA. The agency can use the media to inform the public and generate its support on PPA's activities and programs on clients' rehabilitation.

3.5 Capacity Assessment

- 3.5.1 The PPA has decentralized operation for above investigation and supervision functions. Operation. Aside from these mission critical operations, the agency may benefit to likewise delegate to its field units administrative and financial services for a fully decentralized PPA, thus achieving operational efficiency and effectiveness.

- 3.5.2 There is a need to improve the internal monitoring system of PPA. The different Parole and Probation Officers in PPA field units prepare periodic reports and submit them to the central office for consolidation. The quality of information and delay in report preparation have been a continuing issue.
- 3.5.3 There is a need to strengthen the developmental research functions of the PPA. The agency has a specific organizational unit for the purpose, but the analytical aspect of its function must be enhanced to provide needed support for the development of strategic plans, policies and programs on clients' rehabilitation.
- 3.5.4 There is lack of a formal and effective strategic and development planning and performance management system in PPA.
- 3.5.5 Lack of budget provisions for equipment, specifically for the acquisition of computers, greatly affects operations especially in the regions and provincial offices.

3.6 REFORM IMPLICATIONS

- 3.6.1 The following reform implications have been identified for the PPA considering the capacity assessment indicated above:
- Full decentralization of functions (i.e. including those on administrative and financial services)
 - Improvement of the internal monitoring system of PPA
 - Strengthening of developmental research activities to provide needed support for the development of strategic plans, policies and programs on clients' rehabilitation
 - Installation of strategic and development planning, budgeting and performance management system
 - Prioritization of expenditures for IT equipment

5

SYNTHESIS AND REFORM DIRECTIONS

1 INTRODUCTION

- 1.1.1 The institutional and internal capacity assessments discussed in the previous sections indicated dysfunctions, capacity deficiencies, and inter-agency coordination and operation integration issues.
- 1.1.2 This Section presents the reform challenges and issues and identifies reform implications and opportunities to address policy issues on access to justice by inmates. It moreover determines the reform directions to address institutional issues, as identified in the study, to integrate and strengthen the institutional framework for the corrections and rehabilitation pillar of the criminal justice system.

2 REFORM CHALLENGES AND ISSUES

- 2.1.1 The reform challenges and issues as substantiated by the analysis of the survey results and the institutional and capacity assessment would address the need to empower the claim holders (inmates) in exercising their rights and in availing themselves appropriate services, as well as strengthen the accountability of the duty bearers (government agencies concerned and civil society) to provide the service requirements of inmates.

2.2 Major barriers to equitable access to justice

- 2.2.1 It may be concluded from the survey conducted that inmates suffer from the following major barriers to equitable access to justice:
- Scarcity of legal services/assistance for prisoners and detainees who lack sufficient income
 - Complexity of the judicial system, delay in legal proceedings and poor quality of information about legal processes
 - Lack of knowledge and understanding by inmates of the justice system, which includes widespread distrust and low levels of confidence of the justice system
- 2.2.2 Deficiencies in access to justice may also be seen by examining instances of civil and human rights violations against prisoners and detainees. These violations may include the following:

- Arbitrary arrest, detention, imprisonment, ill-treatment, torture, cruel and inhuman punishment;
- Unhygienic/sub-human prison and jail conditions, inadequacy of food and health care and prevention from having communication with and support from their families;
- Overcrowding of prisons and confinement of different kinds of prisoners and detained in one facility, with men, women, and children in proximity; and
- Restriction on freedom of speech, thought, belief, conscience and association.
- Poor prison conditions

2.3 Institutional and Capacity Development Issues

Need to adopt appropriate correction and rehabilitation program

2.3.1 An appropriate correction and rehabilitation program must take into consideration the characteristics of the direct beneficiaries. Based on the survey conducted, a typical inmate is literate, functional and productive as indicated by his educational attainment and employment before incarceration. It may also be inferred from the data that a typical inmate is a head of a family and his incarceration deprives that family a primary source of livelihood, thereby contributing to their poverty.

2.3.2 This information has the following institutional implications:

- The existing education, skills development and training program of the BuCor and BJMP must be strengthened, expanded if needed and supported by additional resources to develop further the functional literacy and enhance the productivity of inmates.
- It is critical to give inmates opportunities to work while inside prisons or jails through work and livelihood programs. These programs are primarily intended to give inmates opportunities to earn income for his own support and for his family's subsistence.
- The treatment program for inmates must include the provision of adequate food, health services, medicines and recreation facilities. These are rights accorded to both prisoners and detainees pursuant to the Minimum Standards on the Treatment of Prisoners and Detainees.

Need to address judicial process delays and the lack of information on government's legal aid program

2.3.3 "Justice delayed is justice denied", is a fundamental principle in the fair and equitable dispensation of justice. The protracted incarceration of an inmate prior to his arraignment is blatant violation of an inmate's right to a speedy trial. There is a need to review existing judicial process to remove institutional barriers to a speedy trial.

- 2.3.4 PAO lawyers are already saddled by heavy caseloads. While part of the responsibilities of PAO is to visit prisons and jails, the survey indicates that inmate's are not aware of its existence. The provision of free legal aid is a constitutionally guaranteed right accorded to poor litigants, including prisoners and detainees. Moreover, the high cost of litigation has been identified as a major barrier in accessing justice by the disadvantaged. It is therefore necessary for PAO to intensify its legal counseling interventions for inmates. To augment its existing capacity, PAO may partner with civil society organization and alternative law groups to fill these gaps in legal aid provision.
- 2.3.5 Inmates who would like to complain about prison/jail conditions and other concerns do not know where to lodge their complaints. The BuCor and BJMP, as well as the provincial jails must see to it that mechanisms are installed and implemented on receiving and addressing inmates concerns/complaints. The Philippine Congress may also explore the possibility of passing a legislation that would provide for an Ombudsman in prisons and jails, who will serve as an advocate of prisoners and detainees' rights.

Need to reaffirm an inmate's rights to information

- 2.3.6 Inmates must be properly informed of legal remedies available to him during his incarceration. Based on findings of the survey, effective modalities in informing inmates of their rights are either lacking or inefficient. In the case of BuCor, an inmate is briefed about prison rules and regulation and his fundamental rights upon entry to the penitentiaries. This is the primary task carried out by the Reception and Diagnostic Center. Similarly, jail officials are required to provide sufficient information to inmates on legal remedies available to him upon entry to a jail facility. These legal remedies may include right to bail, right against self-incrimination, right to counsel, opportunities for release on recognizance, parole, probation and pardon, and other similar rights and privileges.
- 2.3.7 The government must be the primary source of information on these legal remedies. However, the civil society, including the media and the academe are potent instruments of informing inmates of their rights and privileges.

Need to re-orient law enforcers and public lawyers on the fundamental rights of the accused

- 2.3.8 The right against self-incrimination and right to counsel are most often violated or disregarded by law enforcement agencies. There are reports that admissions from arrested individuals are extracted by force or through torture. Incidents about lawyers advising a litigant to admit guilt for an offense without going through full court trial are already a common knowledge. Under existing laws, an arresting officer has the obligation to inform a person charged for a crime, of his right against self-incrimination and to obtain a lawyer. A lawyer must also be present during the interrogation of an accused to give counsel. The State assigns a lawyer when the litigant cannot afford one. There is a need to re-orient law enforcers and public lawyers about these fundamental human rights.

Need to re-build the prisoner and detainees trust and confidence on the justice system

- 2.3.9 The negative perception of inmates on the justice system is a barrier to equitable access to justice. Inmates who have this perception may choose not to avail of legal remedies because of his belief that the legal system is not favorable to the disadvantaged.

Need to improve overall management capacity and resources of agencies involved in correction and rehabilitation activities

- 2.3.10 Improving administrative management capacity and resources of agencies involved in the corrections pillar directly impacts on their operations in terms of improved capacity to develop policies, programs, project, and activities for correction and rehabilitation of offenders, address congestion in jails and prisons, and for effective operations management and strategic planning.

- 2.3.11 The most common of the internal capacity problems of these agencies are the following:

- ***Lack of information technology systems and expertise***

Lack of technology to properly maintain inmates' records and process documents for their immediate release is a prevailing situation. Limited use of information technology to support investigation and validation of information on inmates with pertinent agencies like the courts, prosecutors' offices and law enforcement agencies, to back up recommendations for early release of qualified offenders, and/or for providing them with other needed services, impede correction and rehabilitation programs.

- ***Unattractive compensation, emoluments and benefits***

Common to practically all government agencies, this problem may be difficult to address. But an assessment of the remuneration of personnel involved in the corrections pillar must be taken in the light of severe resource constraints and the priority that government gives to the peace and order sector as a factor of economic development.

- ***Inadequate training***

Inadequate training has been cited as one of the many reasons for inefficiencies and deficiencies in the agencies under the corrections pillar. Specifically, there is need to train correction officers, probation officers, and prisons officers. Inadequate training facilities and equipment is a concomitant issue that adversely affects the conduct of necessary training programs to upgrade and develop the expertise of the key personnel involved in the corrections pillar.

- *Outdated, outmoded and dilapidated correctional facilities*

Prisons and jails in the country are generally in bad conditions. Prisons and jails are in dire need of proper maintenance and repair. Furniture, equipment and various facilities in both jails and prisons badly need replacement.

3 STRATEGIC REFORM IMPLICATIONS

- 3.1.1 The strategic reform directions for the correction and rehabilitation pillar of the criminal justice system, as determined under the survey of inmates and the institutional and capacity assessment under the study are as follows:

Establishment of a Strong Oversight Mechanism for Correction and Rehabilitation Activities

- 3.1.2 An oversight mechanism to formulate national policies and standards on correction and rehabilitation and monitor implementation of programs and performance of agencies involved in the pillar is necessary. The arrangement would require the identification of proper organizational placement and roles of agencies and institutions concerned; definition of the interventions to be done at the oversight level, and those at the operating or local level; delineation of functions based on appropriate horizontal and vertical compartmentalization criteria; and development of clear and effective inter-agency coordinative mechanisms and operating processes.
- 3.1.3 The oversight mechanism would have the capacity to formulate overall policy framework on correction and rehabilitation activities; strictly enforce national and international standards on prison and jail management and treatment of inmates; and ensure performance of state obligations, particularly on access to justice

Highly decentralized operations on corrections and rehabilitation with direct delivery of services lodged primarily with local government units

- 3.1.4 Decentralization brings services closest to the clients. It ensures that policies and programs better reflect the interest of clients in the local areas, even encouraging wider participation in the development of programs and projects for effective delivery of correction and rehabilitation services.

Development and adoption of unified and coherent set of policies, standards, rules and procedures on prison and jail management and parole, probation and pardons administration

- 3.1.5 The presence and uniform application of laws and similar treatment of prisoners and detainees would ensure/address equality, equity, and non-discrimination.

Strong public-private sector partnership and community involvement in correction and rehabilitation activities

- 3.1.6 The participation of the private sector and the civil society in correction and rehabilitation activities must be strengthened. Mobilization of private resources for correction and rehabilitation activities is considered a better alternative to improve resource management efficiency.

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