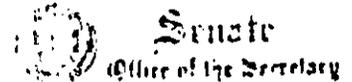


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
THIRD REGULAR SESSION)



15 DEC 14 P2:17

SENATE
PROPOSED SENATE RESOLUTION NO. 1682

PREPARED BY: *J*

Introduced by SENATOR FERDINAND R. MARCOS, JR.

A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ABOUT THE COUNTRY'S OVERALL CORRECTIONAL AND PENITENTIAL POLICY, ENFORCEMENT AND DISCIPLINE, SECURITY MEASURES AND OTHER RELEVANT ASPECTS, THE WEAKNESSES, INADEQUACY AND SHORTCOMINGS OF OUR CORRECTIONAL AGENCIES AND VITAL PENAL INSTALLATIONS AND FACILITIES, WITH A VIEW TO IMPROVE THE SAME AND REBUILD THE PEOPLE'S FAITH AND CONFIDENCE IN GOVERNMENT, IN OUR INSTITUTIONS AND IN THE JUSTICE SYSTEM

WHEREAS, Republic Act No. 10575 was approved in May 2013 for the ultimate purpose of "strengthening the Bureau of Corrections", through "modernization, professionalization and restructuring", "by upgrading its facilities, increasing the number of its personnel, upgrading the level of qualifications of their personnel and standardizing their base pay, retirement and other benefits, making it at par with that of the Bureau of Jail Management and Penology (BJMP)";

WHEREAS, it is clear from RA 10575, which was hailed by the Department of Justice as the "new beginning for the Bureau of Corrections", that the primary mandates of the BuCor remain to be "safekeeping" and "reformation" of the inmates, not to mention how to "best promote discipline in all national and provincial prisons and penal settlements", pursuant to the old Prison Law under Act No. 2711 or the Administrative Code of 1917;

WHEREAS, aside from the ordinary connotation of keeping the inmates safe and secure, BuCor's mandate of "safekeeping" more importantly requires that the inmates must be "completely incapacitated

from further committing criminal acts" and are "totally cut off from their criminal networks (or contacts in the free society), and also includes the "protection against illegal organized armed groups which have the capacity of launching an attack on any prison camp";

WHEREAS, the mandate of "reformation" seeks to ensure that the inmates must be "prepared to live a normal and productive life upon reintegration to the mainstream society";

WHEREAS, issues involving our correctional system, particularly the result of the recent "Oplan Galugad" conducted by the Bureau of Corrections of the New Bilibid Prison facility—a treasure trove of firearms, ammunitions, other deadly weapons, drugs, items of luxury and perversion, and other contraband materials—blatantly show that the primary mandates of BuCor either are not being strictly adhered to or have been totally abandoned altogether;

WHEREAS, these reports about the "life" inside the New Bilibid Prison not only shock the senses, morality and decency of the law-abiding Filipino people, but also erode their faith and confidence in the correctional pillar of our criminal justice system, more so considering the fact that these recent reports come on the heels of the appalling discovery of "kubols" and the VIP-treatment of high-profile inmates in 2011 and 2014;

WHEREAS, these shocking discoveries and revelations, which could not have occurred if not but right under the noses of government's correctional agencies and officers, whether by deliberate complicity or utter neglect—and right within the supposedly maximum-security "main insular penitentiary" of the State, at that—prove that there is something fundamentally and terribly wrong with the overall operation of our State's penitential system;

WHEREAS, this systemic and institutional flaw poses a clear and present danger to our national justice system and our national security, and, hence, must not be overlooked and must be timely addressed and

remedied by Congress, most especially by the Senate, through the exercise of the police power of the State;

WHEREAS, there is an urgent need for government to go back to basics and undertake a thorough and holistic penal reform, reassess and retune the overarching philosophy that undercuts the penitential policy and stringency of enforcement thereof by the State, and check them against the so-called "fundamental principles of the prison", or the "seven universal maxims of the good 'penitential condition'", namely, the principles of correction; classification; modulation of penalties; work as obligation and right; penitentiary education; technical supervision of detention; and auxiliary institutions (*Michel Foucault, Discipline and Punish: The Birth of the Prison, Vintage Books [1975]*);

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, that the Senate direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, about the country's overall correctional and penitential policy, enforcement and discipline, security measures and other relevant aspects, the weaknesses, inadequacy and shortcomings of our correctional agencies and vital penal installations and facilities, with a view to improve the same and rebuild the people's faith and confidence in government, in our institutions and in the justice system.

Approved,


SENATOR FERDINAND R. MARCOS, JR.