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**S E N A T E**

**P. S. Res. No. 792**

Introduced by Senator Loren B. Legarda

**RESOLUTION**

**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE STATUS OF JAIL AND PRISON DECONGESTION IN THE PHILIPPINES, INCLUDING THE CAUSES OF PROLONGED DETENTION AND THE IMPLEMENTATION OF REPUBLIC ACT NO. 10592, OTHERWISE KNOWN AS THE GOOD CONDUCT TIME ALLOWANCE LAW, REPUBLIC ACT NO. 10389, OTHERWISE KNOWN AS THE RECOGNIZANCE ACT OF 2012, AND OTHER RELEVANT LAWS, POLICIES, AND DECONGESTION MEASURES, WITH THE END IN VIEW OF ADDRESSING OVERCROWDING, SAFEGUARDING THE RIGHTS OF PERSONS DEPRIVED OF LIBERTY, AND STRENGTHENING THE COUNTRY'S CRIMINAL JUSTICE AND CORRECTIONAL SYSTEMS**

**WHEREAS,** Article II, Section 11 of the 1987 Constitution declares that the State values the dignity of every human person and guarantees full respect for human rights, while Article III, Section 19(2) prohibits degrading punishment and mandates that substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law;

**WHEREAS,** Republic Act No. 10575, otherwise known as the "Bureau of Corrections Act of 2013," mandates the Bureau of Corrections (BuCor), under the Department of Justice (DOJ), to undertake the safekeeping and reformation of national inmates, while Republic Act No. 6975 establishes the Bureau of Jail Management and Penology (BJMP), under the Department of the Interior and Local Government (DILG), to administer district, city, and municipal jails within its jurisdiction;

**WHEREAS,** overcrowding remains a longstanding problem in Philippine jails and prisons, affecting the health, safety, rehabilitation, and living conditions of persons deprived of liberty (PDLs), while straining the resources and capacity of correctional institutions;

**WHEREAS,** according to the Commission on Audit's (COA) 2025 annual audit findings, as reported by the Daily Tribune on November 1, 2026, three hundred forty-one (341) out of four hundred eighty-eight (488) BJMP jail facilities nationwide were congested, while the BJMP accommodated a total of one hundred thirteen thousand nine hundred thirty-seven (113,937) PDLs across all four hundred eighty-eight (488) facilities, underscoring the continued severity of overcrowding despite existing decongestion efforts;

**WHEREAS,** the same COA findings revealed that the average jail congestion rate, while declining from three hundred sixty-seven percent (367%) in 2022 to two hundred seventy-nine percent (279%) in 2025, remained substantially elevated, with Consolacion Municipal Jail in Cebu recording a congestion rate of two thousand percent (2,000%), highlighting severe disparities in detention conditions across facilities;

**WHEREAS,** COA further identified the need for approximately two hundred ninety-five thousand one hundred ninety-seven (295,197) additional square meters of jail infrastructure to address overcrowding, while noting forty-three (43) construction projects initiated by the BJMP, raising the need to assess the adequacy, implementation status, funding, and actual contribution of these projects to sustained decongestion;

**WHEREAS,** COA also found that overcrowding severely constrained the BJMP's ability to provide essential services, including food, medical care, and rehabilitation supplies, thereby affecting its statutory mandate of humane safekeeping and inmate development and underscoring the need to examine whether existing budgetary allocations and decongestion interventions adequately address these deficiencies;

**WHEREAS,** the Supreme Court, in its Resolution dated November 11, 2025, in A.M. No. 25-01-25-SC, cited BJMP statistics showing that, as of July 31, 2025, eighty-seven and thirty-two hundredths percent (87.32%), or one hundred thousand four hundred seventy-six (100,476) PDLs, were undergoing or awaiting investigation, trial, or final

judgment, underscoring the substantial contribution of prolonged pretrial detention and delays in criminal proceedings to jail congestion;

**WHEREAS,** the continued confinement of PDLs in severely overcrowded facilities raises urgent questions regarding the adequacy of government action to prevent deteriorating detention conditions, ensure timely judicial and administrative processes, and protect individuals from unnecessary or prolonged deprivation of liberty;

**WHEREAS,** Republic Act No. 10592 amended the Revised Penal Code to expand the benefits of Good Conduct Time Allowance (GCTA), credit for preventive imprisonment, and other time allowances, providing mechanisms to reduce periods of detention or imprisonment and facilitate the timely release of qualified PDLs;

**WHEREAS,** in its Decision dated April 3, 2024, in the consolidated cases of Guinto, et al. v. Department of Justice and Inmates of the New Bilibid Prison, et al. v. Department of Justice, the Supreme Court invalidated provisions of the 2019 Implementing Rules and Regulations (IRR) of Republic Act No. 10592 that excluded persons convicted by final judgment, including those convicted of heinous crimes, from earning GCTA during the service of their sentences, while maintaining the statutory distinction governing eligibility during preventive imprisonment, prompting the DOJ and DILG to issue revised implementing rules on December 13, 2024;

**WHEREAS,** Republic Act No. 10389, otherwise known as the "Recognizance Act of 2012," institutionalizes recognizance as a mode of securing the release of qualified indigent accused persons who are unable to post bail due to poverty, providing an alternative to continued detention subject to the requirements and safeguards prescribed by law;

**WHEREAS,** DOJ Department Circular No. 011, series of 2023, provides guidelines on the recommendation of bail amounts in criminal informations, taking into account the financial capacity of accused persons, as part of efforts to address prolonged detention and jail congestion;

**WHEREAS,** the Supreme Court, through A.M. No. 12-11-2-SC, issued *Guidelines for Decongesting Holding Jails by Enforcing the Rights of Accused Persons to Bail and to Speedy Trial*, while A.M. No. 25-01-25-SC provides guidelines for transferring qualified

PDLs sentenced to three (3) years or less to less congested facilities without requiring a separate court order or mittimus, subject to the conditions prescribed by the Court;

**WHEREAS,** the existence of these laws, administrative issuances, and judicial measures must be matched by demonstrable results, including the number of PDLs whose sentences have been recomputed, whose release has been facilitated, or whose detention has been shortened through GCTA, bail reforms, recognizance, speedy trial, facility transfers, and other decongestion mechanisms, as well as the identification of delays, inconsistent implementation, and administrative failures that may prevent qualified PDLs from obtaining relief;

**WHEREAS,** delays in sentence computation, processing of release orders, transmission of judicial records, and coordination among courts, prosecutors, jail authorities, and correctional institutions may prolong detention and undermine the effectiveness of existing decongestion measures, warranting an examination of the extent and causes of such delays and the accountability of responsible offices;

**WHEREAS,** as part of legislative efforts to address administrative delays and contribute to prison decongestion, I authored Senate Bill No. 2584, seeking to amend Article 99 of the Revised Penal Code, as amended by Republic Act No. 10592, to authorize BuCor prison and penal farm Superintendents, in addition to the BuCor Director General, to approve lawfully earned GCTA at the facility level without requiring further approval from the BuCor Central Office, subject to verified computations, prescribed processing periods, and appropriate safeguards, thereby reducing administrative bottlenecks, expediting the grant of earned time allowances, and facilitating the timely release of qualified PDLs;

**WHEREAS,** the persistence of severe overcrowding despite multiple legal and administrative interventions warrants a comprehensive accounting of government performance, including whether existing decongestion measures are being implemented uniformly, whether qualified PDLs are receiving the benefits provided by law, and whether institutional deficiencies continue to compromise their rights, welfare, and timely release;

**NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED,** by the Senate of the Philippines, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, into the status of jail and prison decongestion in the Philippines, including the causes of prolonged detention and the implementation of laws, policies, and programs on bail, recognizance, speedy trial, Good Conduct Time Allowance, and other decongestion measures, particularly:

(1) The actual population, capacity, and congestion rates of detention and correctional facilities, including the measurable results of existing decongestion programs and disparities in congestion rates across regions and individual facilities;

(2) The causes and extent of prolonged detention, particularly delays in investigation, trial, and case disposition; the number and circumstances of PDLs awaiting final judgment; and the effectiveness of measures to safeguard the right to speedy trial;

(3) The implementation of bail and recognizance laws and procedures, including the number of eligible accused persons who remain detained due to financial incapacity, delays in bail determination, or difficulties in obtaining release on recognizance;

(4) The status, adequacy, funding, and implementation of jail infrastructure projects, including the forty-three (43) construction projects identified by the Commission on Audit (COA), and the measures undertaken to address the reported infrastructure shortfall of approximately 295,197 square meters;

(5) The implementation of GCTA and other time allowances, including the number of PDLs evaluated, granted or denied benefits, released, or awaiting sentence recomputation, and the reasons for delays or denials;

(6) Compliance with relevant Supreme Court decisions, revised implementing rules, and administrative issuances concerning sentence computation, bail, recognizance, speedy trial, facility transfers, and release procedures;

(7) The legal, administrative, operational, and budgetary deficiencies that contribute to overcrowding, delayed release, or prolonged detention, including the adequacy of interagency coordination and accountability mechanisms; and

(8) The measures necessary to ensure that persons entitled to release or other relief under existing laws receive such relief without unjustified delay, and the legislative, administrative, and budgetary reforms necessary to address systemic causes of congestion and improve the efficiency and accountability of the criminal justice and correctional systems;

The inquiry shall be undertaken with the end in view of addressing overcrowding, preventing unnecessary and prolonged detention, safeguarding the rights and dignity of persons deprived of liberty, and strengthening the country's criminal justice and correctional systems through appropriate legislative reforms.

Adopted,

**LOREN LEGARDA**