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I congratulate the organizers of this National Summit: Collaborative Partnership towards Enhancing the Dignity of Persons Deprived of Liberty”.

I remember in 2009. The Supreme Court has also called for a summit to address the problem of access to justice especially access to our criminal justice system on the part of poor.

As a result of that summit, we launched two programs: the enhanced justice on wheels, which are actually mobile courts that go through the different jails in our country to expedite the trial of criminal cases in which the accused are too poor to post bail for their liberty. In less than two years' time, our Justice on Wheels program posted the following results: the release of 3,345 inmates; the giving of free medical and dental assistance to 9,056 detainees; the successful mediation of some 5,006 of their cases; the giving of free legal aid to 2,270 of them; and the delivery of free lectures to some 15,000 barangay officials and Indigenous Peoples on laws affecting them.

The second program that we launched to increase their access to justice is the Small Claims Court whose objective is to expedite the resolution of cases of the poor where the amount involved is not more than P100 thousand. The rules governing these claims are simple: informal, inexpensive, and fast. We know that the greatest enemy of the poor litigant is slow motion justice. Since their launch, thousands of cases have already been resolved by this Small Claims Court. And hopefully, in two to three years' time, we expect these courts to be able to declog the cases in our first level courts.

To be sure, the Supreme Court Summit was successful but its objective was quite limited. And that is to improve access to justice on the part of the more marginalized sectors of our society. But this Summit which we are holding today is more comprehensive for it seeks to address the dignity of persons deprived of liberty. It is a long overdue summit. For one of the more shocking aspects of our criminal justice system is the sad state of our prisons and the unquestionable conditions of some of our penitentiaries.

I ought to know for I personally accompanied our Justice on Wheels Program in its travels throughout Metro Manila, Luzon, Visayas, and Mindanao. But the biggest problem of our detainees is the lack of support especially financial support from the government both national and local. This is self-evident. Evident even to our eyeballs. Just look at the so stringed up of budget. Another to our inmates in our penitentiaries. And you will see the indecently low priority given for their improvement.

This lack of resources is the mother of all problems for it breeds a lot of other problems: congestion which in the city jails of Metro Manila is nothing but inhumane,

commission of different crimes in jails, the formation of gangs that promise protection, the establishment of invisible governments in profits that are run for profit, criminal bosses corrupting some prisoner officials who run our penitentiaries as if they are their private kingdoms, the prevalence of sicknesses and diseases among detainees, hunger on the part of detainees. In some the result is the non-rehabilitation of our detainees.

Indeed, the impression is that the incarceration in our jails results in the corruption of their character for their jail time strips them of their dignity as human beings. Since ages of neglect have passed by, the problems that plague our prisoners are too many and it is but proper that this summit calls for a public-private partnership to tackle them. The call is for transformation, for change, for radical far-reaching change and not just for cosmetic change. This requires a synchronistic approach, a huge investment of time, talent, and treasure on the part of all the partners in this worthy endeavor.

What can be done? The prescriptions will be encyclopedic. But let me just mention the most basic, the most necessary and the most immediate. First we need change that can come only from our Congress. We cannot hope to effectuate change in our justice system without the lead and the leadership coming from the legislature. The most important change we need is the change of our outdated penal laws. Congress needs to change our archaic penal laws to make them conform to the spirit of our 1987 Constitution, to adjust it to the best practices of penology. It is our laws that will serve as our North Star of change, that will set our direction, that will guide us on what we can do and what we cannot do.

In all nonsense, look at our laws should be done and done now. A side glance on our penal laws will show that there are some of them belong to the ages of the rocks. Exhibit "A" is our Revised Penal Code. Our Revised Penal Code is set in the 1930s. It reflects the philosophy of crime that now belongs to the museum, a piece of historical curiosity. Some of its provisions are merely impositions from our past colonizers whose idea of punishment is simply to prevent the colonized people from revolt.

There should be a total review of the Code. And it should be alleviated by the spirit of Restorative Justice. Restorative justice was still an unknown idea when Congress enacted our Revised Penal Code. Some of its provisions are still inspired by the mosaic law of an 'eye for an eye and a tooth for tooth' philosophy. At the very least, the Code should be reviewed to reflect new approaches on how to deal with crimes committed by women with sensitivity to gender, how to deal with crimes committed by minors with sensitivity to the best interest of the child, how to deal with crimes against property, with sensitivity to the poor who are driven to commit crimes because of poverty, how to deal with drug offenders who need rehabilitation more than handcuffing.

Look also at our indeterminate sentence law. The law that among others guides our courts and the Board of Pardon and Parole. It is likewise ancient and has never been revisited. It is self-evident that since the turn of the 20th century, there has been so

much new thoughts, new ideas on the origin and process of crime as well as the methods of prevented crime.

By all means, let us consider these various schools of thought for we cannot remain captive by the caveman's understanding of crime. We cannot remain hostages to the caveman's way of managing anger. The codification of our penal laws may be too much to ask from our individual legislators. I respectfully suggest that a commission composed of penal, legal and other experts be formed to undertake this project. This is what they are doing in other countries.

Second. In my visits to our different jails, I found out that there is no one law, no one rule that governs the rights of prisoners while they are incarcerated. In a lot of cases, the rules are a hodgepodge. In some cases, the rules are inexistent. In a lot of cases, the rules are mere paper rules, unknown to the prisoners and unenforced by the authorities. The result is the law of the jungle in our penitentiaries. And in the jungle we know that it is the best that rules.

Let us remember that even after conviction, the inmates retain basic rights that are protected by the Constitution. And the Constitution cannot be barred at the doors of our penitentiaries. A prison reformist made this point and I perfectly agree, he said.

Although a person convicted of a crime loses many of his rights and privileges, he does not lose all his civil rights: the due process and equal protection from unconstitutional administrative actions by prison officials. For example, prison authorities are not permitted to inflict cruel and unusual punishment upon prisoners who violate prison rules. They may not deny a prisoner reasonable access to the courts to obtain a proper and thorough review of his conviction and confinement, or prosecute judicial protection of his constitutional rights.

I have given a cursory look at some of the existing rules governing prison discipline as well as the rules of the Board of Pardon and Parole. Let me say that some of them can be revised and modified to protect the rights and to enhance the dignity of our inmates. Again, the best way to address this problem is for Congress to enact a law that will codify all these prisoners' rights and impose a uniform procedure for their enforcement.

Let me make my third point. I refer to the call to effectively reintegrate our inmates to society as useful members thereof. This is a difficult challenge for the impediments to reintegration are many and difficult. Allow me to mention some of these impediments. Look at the composite profile of these inmates. And they cannot but evoke sympathy for you will come to inevitable conclusion that they are most likely to fail in life. They are hardly little and in a world where knowledge is a great equalizer, the ignorant is doomed.

Their profiles may also show that they come from broken homes. Some do not even have families to return to having been abandoned by them. Again, it is self-evident that their chances of rejoining the mainstream of society range from nil to nothing. Their profiles here also show that they come from neighborhoods where poverty punishes the needy. And where the pressure to earn money by hook or by crook is simply overwhelming.

In other words, when we send these inmates to families with lost values, when we send them to neighborhoods of crimes and criminals, it is to hell we are sending them and to prison they will come back.

This is not a doomsday prediction but the careful studies of sociologists who posit theories verified by empirical evidence that crime is a function of the individual's social environment including family, school, peer group, workplace, community and society. Even biological and psychological theoreticians of crime earlier led by Brosio and Sigmund Freud conceived that environmental factors play an important role in the commission of crimes. The question is, how do we get out of the belly of the whale? It is a huge problem but without wishing for a miracle.

Let me offer a few thoughts. Government can do a lot to diminish the problem of reintegration. Let us start with the lack of education of the inmates. The solution to this problem is right down the alley of the Department of Education. The need is to expand current efforts to upgrade the education of inmates especially the 'no read – no write' variety. Then TESDA can come in, for one great lead is to cultivate the prisoners' vocational skills so that we can fast track their re-entry in a competitive society where one is a cipher unless he has skills to walk. They can be taught home industries and they don't have to beg for employment from corporations that will not touch them with ten-foot pole because their record is tainted by their prison term.

Let us also involve the Department of Social Welfare which can decide programs to cultivate the proper values especially spiritual values for the family of the inmates, their spouses and their children. Lack of proper family values often cause individuals to commit crimes and unless we can inject proper spiritual values to their families which they can hold on to, to meet the stresses and storms of life, families will continue to serve as the laboratories of crime. They will continue to be the source of new viruses of criminals. Perhaps the Department of Social Welfare can devote part of its cash program to the poor for this purpose.

Or take the DILG which has control and supervision over the peace and security of our streets. We cannot have streets where crime pays. The real security is provided more by guns where the bullies lay down the law, where no one has will because it is the will of the mob that governs. Sending back our inmates to this kind of streets and to this kind of community is worse than keeping them in prison for in these kinds of communities, lawlessness is the law.

We can also pull in government financial institutions. Financial institutions and intermediaries including government-owned banks that can provide the basic financial needs of reformed and capable prisoners who may want to engage in small private businesses.

We should also call on the government agencies in charge of cooperatives to organize our inmates as cooperatives handhold in their growing days until they can stand on their own feet. And yes, let us take off shielding these returning inmates from the influence of their former neighborhoods. The Department of Environment and Natural Resources has an inventory of millions of idle lands. Can we award some of these idle lands to our reformed prisoners who have vocational skills who can start home industries in their families? Who are willing to farm? Who are willing to start a new life in a new community? These idle lands can be transformed into new communities.

The roads to be built by the Department of Public Works, the houses to be built by the NHA, given by the Gawad-Kalinga, the schools to be built by the Department of Education, the seeds for the farms to be provided by the Department of Agriculture, the churches to be built by the different religious organizations, and so on, and so forth.

But just let me tick around some further ideas. Examine the budget of some of the departments of government. And look at their items of expenses. Look at the Department of Education and how much it spends for desks, for tables, year-in and year-out. They can order these desks, these tables from our inmates who are great in carpentry work. Look at the DND and the PNP and how much they spend for their uniforms, for shoes, and other items. Again, all these can be made by our inmates if properly trained. Look at our Department of Health and how much it spends for beds, for bedsheets, towels, laundry, and so forth. Again, all these can be made by our inmates and I'm sure they will deliver the goods and services with a lot of savings to the government. You may say that all these are dreams and we can dream on.

But let me tell you of a story. A few months ago, an inmate in Muntinlupa, a former political figure had a bright idea using less than 10 inmates in Muntinlupa in order to prepare narra and mahogany seedlings in some of the vacant spaces in Muntinlupa. Believe it or not, in three months' time, they were able to produce 50,000 narra and mahogany seedlings.

Our foundation, the Love Foundation, and NGO, gave for free 5,000 of these narra seedlings to Mayor Alfredo Lim. And these 5,000 narra seedlings are now all planted in strategic places in the city of Manila. We gave the rest of the seedlings to the Hon. Francis Tolentino, governor of Metro Manila. Again, for free, for distribution to the various cities in Metro Manila. They paid the inmates for their labor and we were able to humbly contribute in our fight against environmental degradation.

The Love Foundation is ready to replicate this project in our other prison colonies especially in Davao, Palawan and others where idle land can be used for this particular purpose. And we have a plan to replicate this program in our barangays and if we can sit down with the DILG, the DENR, the DND and the PNP, I tell you, we can plant 1 billion trees in measured time and break the Guinness World Record. And that is not an idle dream.