



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
BUREAU OF JAIL MANAGEMENT AND PENOLOGY
NATIONAL HEADQUARTERS

Juco Building, 144 Mindanao Avenue, Project 8, Quezon City
Trunklines: (+632) 927-6383; 453-1196
Email Address: director@bjmp.gov.ph Website: www.bjmp.gov.ph



MEMORANDUM

FOR : **J/SSUPT ALLAN S IRAL, CSEE**
Director for *Operation*

SUBJECT : **Comment: SOP ON THE TAKE OVER OF PROVINCIAL AND SUB- PROVINCIAL JAILS AND PNP-MANNED JAILS**

DATE : **07 December 2010**

1. Reference: Draft SOP on the above subject.

2. ICOW the above reference, the following are our comments and suggestions on the proposed SOP on the TAKE OVER of PROVINCIAL and SUB-PROVINCIAL JAILS and PNP-MANNED JAILS.

V. GUIDELINES IN THE TAKE OVER OF PROVINCIAL AND SUB-PROVINCIAL JAILS AND PNP MANNED JAILS.

We suggest the rewording of the first paragraph to read as follows:

Essential to smooth transition and takeover of Provincial Jails and Sub-Provincial Jails is that laws must not be set aside or violated.

Since the Provincial and Sub-provincial Jails are under the management and control of the Provincial Government, initiative for transfer or turnover must emanate from the Local Government Unit concerned This is pursuant to Section 25, par (C) of the 1991 Local Government Code which states that *"The President may, upon the request of the local government unit concerned, direct the appropriate national agency to provide financial, technical, or other forms of assistance to the local government unit. xxx."*

Pursuant to the abovementioned provision of law takeover of provincial and sub-provincial jails may be done through the signing of a Memorandum of Agreement (MOA) between the BJMP and the provincial government wherein the terms of the takeover are stipulated. The MOA that may be entered into by parties must contain the following essential obligations/conditions, to wit:

- a. That the Sangguniang Panlalawigan of any Province through a resolution shall provide that the present Provincial Jail be *divided* into two portions, one of which shall be converted to a District Jail which shall be under the control and supervision of BJMP to accommodate all detention prisoners in the whole province with prior authority of the court. The remaining small portion shall be retained as Provincial Jail which shall house all convicted provincial prisoners of the province.

The purpose of this suggestion is to preclude violation of laws, as Provincial Jails were created by law and cannot be abolished by mere agreement. Moreover, custody of provincial prisoners is jurisdictional, meaning; provincial prisoner must serve their sentence of imprisonment within a provincial jail. (R.A. 6975 in relation to Administrative Code of 1939 as amended.)

- b. That portion transferred shall be **DONATED** to BJMP and shall include the improvements thereon including but not limited to buildings, facilities, and all the equipments used in its operation. The newly created facility shall be named "**DISTRICT JAIL**" under the management, supervision and control of the BJMP.
 - c. That until such time the inmates subsistence allowance and other maintenance cost can be incorporated in the budget of the BJMP, the Provincial Government shall provide the BJMP with the amount it is presently appropriating for the maintenance and operation of the Provincial Jail for the subsistence allowance of the inmates and maintenance and improvement of the jail facility including electric and water expenses.
 - d. That The BJMP shall accommodate all detainees currently under the custody of the downsized PROVINCIAL JAIL in the newly named DISTRICT JAIL. **However, any convicted provincial prisoner(s) shall be detained at the Provincial Jail.**
 - e. That upon request of the BJMP, the Provincial Government shall assign or detail provincial jail personnel to augment the personnel of the BJMP assigned in the proposed District Jail Facility until such time that the BJMP can totally man the jail facility. The personnel of the LGU assigned or detailed to the new jail facility shall be under the full operational control of the BJMP but under the administrative disciplinary jurisdiction of the LGU, with the BJMP recommending appropriate actions to the LGU. Subject to the provision of R.A. 9263 or the "BFP and BJMP Professionalization Act of 2004" and the availability of equivalent rank items, LGU personnel from the provincial jail may transfer to the BJMP.
3. We suggest that the attached standard MOA should be annexed to the SOP as reference of our personnel in the field.
 4. For consideration.


ATTY. ROY P. VALENZUELA, TLPE
Jail Chief Inspector
OIC, Legal Service Unit



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STANDARD OPERATING PROCEDURES

NUMBER 2011 - 01

**TAKEOVER OF PROVINCIAL AND SUB-PROVINCIAL JAILS, AND
PNP-MANNED JAILS**

I. REFERENCES

- A. BJMP Manual (Revised 2007)
- B. Operations Manual (1996)
- C. SOP on the Use of Force and Weapons (13 October 2010)
- D. Manual on Operation "Greyhound" (25 Apr 2005)

II. BACKGROUND/RATIONALE

To date, eleven (11) Provincial and four (4) Sub-Provincial Jails have already been turned over to the BJMP and more are expected to follow as more provincial governments recognize the BJMP's competence in the management of jails. Besides, there are still a number of municipal jails under the PNP that would eventually be turned over to the Jail Bureau as the number of jail personnel becomes sufficient for their takeover.

III. PURPOSE AND SCOPE

This SOP is being issued to guide the Regional Directors and Wardens in the takeover of Provincial and Sub-Provincial Jails, and PNP-manned jails in order to have a smooth transition in the management and operation of the jail being turned over to the BJMP.

IV. GENERAL PRINCIPLES

The government's present thrust in the field of corrections is to unify the country's fragmented jail system and the BJMP must be prepared to take over more jails, both from the provincial governments and the PNP and the importance of careful planning for their takeover must be given serious consideration.

V. GUIDELINES IN THE TAKEOVER OF PROVINCIAL AND SUB-PROVINCIAL, AND PNP-MANNED JAILS

Since Provincial and Sub-Provincial Jails are under the management and control of the Provincial Governments, their takeover is carried out through the signing of a Memorandum of Agreement (MOA) between the BJMP and a concerned provincial government, subject to the approval by the Secretary, DILG through the issuance of a Memorandum Order for such turnover.

Meanwhile, in the case of PNP-manned jails, takeover is done through a Council Resolution from the concerned LGU requesting the BJMP to take over management, supervision and operational control of their city or municipal jail which shall be made as basis for the issuance of a Memorandum Order by the Secretary, DILG directing the PNP to turn over the jail to the BJMP.

A. General Guidelines

1. The MOA for takeover of Provincial and Sub-Provincial Jails

Essential to smooth transition and takeover of Provincial Jails and Sub-Provincial Jails is that existing laws must not be set aside or violated.

Since the Provincial and Sub-provincial Jails are under the management and control of the Provincial Governments, initiative for transfer or turnover must emanate from the Local Government Unit concerned pursuant to Section 25, par (C) of RA 7160 otherwise known as the "Local Government Code of 1991" which states that ***"The President may, upon the request of the local government unit concerned, direct the appropriate national agency to provide financial, technical, or other forms of assistance to the local government unit. xxx."***

Pursuant to the abovementioned provision of law, the takeover of provincial and sub-provincial jails may be done through the signing of a Memorandum of Agreement (MOA) between the BJMP and the provincial government wherein the terms of the takeover are stipulated. The MOA that may be entered into by parties must contain the following essential obligations/conditions, to wit:

- a. That the Sangguniang Panlalawigan of any Province through a resolution shall provide that the **present Provincial Jail be *divided* into two portions, the greater portion of which shall be converted to a District Jail which shall be under the control and supervision of BJMP to accommodate all detention prisoners in the whole province with prior authority of the court.** The remaining portion shall be retained as Provincial Jail which shall house all convicted provincial prisoners, to be manned by the BJMP, if there is enough personnel who shall be subject to the operational supervision and control of the Local Government Unit (LGU).
- b. That portion transferred shall be **DONATED** to BJMP and shall include the improvements thereon including but not limited to buildings, facilities, and all the equipments used in its operation. The newly created facility shall be named "**DISTRICT JAIL**" under the management, supervision and control of the BJMP.
- c. That until such time the inmates subsistence allowance and other maintenance cost can be incorporated in the budget of the BJMP, the Provincial Government shall provide the BJMP with the amount it is presently appropriating for the maintenance and operation of the Provincial Jail for the subsistence allowance of the inmates and maintenance and improvement of the jail facility including electric and water expenses.
- d. That the BJMP shall accommodate all detainees currently under the custody of the PROVINCIAL JAIL in the newly named DISTRICT JAIL. **However, any convicted provincial prisoner(s) shall be detained at the Provincial Jail.**
- e. That upon request of the BJMP, the Provincial Government, during the transition period shall assign or detail provincial jail personnel to augment the personnel of the BJMP assigned in the proposed District Jail until such time that the BJMP can totally man the jail facility. The personnel of the LGU assigned or detailed to the new jail facility shall be under the full operational supervision and control of the BJMP but under the administrative disciplinary jurisdiction of the LGU, with the BJMP

recommending appropriate actions to the LGU. Subject to the provisions of R.A. 9263 or the "BFP and BJMP Professionalization Act of 2004" and the availability of equivalent rank items, LGU personnel from the provincial jail may transfer to the BJMP.

The MOA must first be drafted by the Regional Director and the Provincial Governor stipulating therein the terms of the turnover.

The draft MOA would then be submitted to the NHQ for refinements and sent back to the Regional Office for the consideration and approval of the Provincial Governor. After which, it would be submitted to the NHQ for approval of the Chief, BJMP. The same would then be forwarded to the Regional Office for the Provincial Governor's subsequent approval and signature.

After the MOA had been finalized and duly notarized, the turnover of the Provincial and Sub-Provincial Jail shall then be implemented.

2. Takeover of PNP-manned Jails

The management and operational control of all district, city and municipal jails by the BJMP is mandated in Section 61 of R.A. 6975, otherwise known as the "DILG Act of 1990" and what is usually required for the BJMP to take over jails from the PNP is a Sanggunian Resolution requesting or authorizing the BJMP to take over a particular jail. After which, an order from the Secretary, DILG will be requested directing the Chief, PNP to turn over the administrative supervision and operational control of the jail to the BJMP. Once the Memorandum Order is signed by the Secretary, the PNP and the BJMP may then effect the jail's turnover.

3. Prior to the takeover

Before the takeover, a Jail Security Survey must first be made to assess the jail's security and logistical needs. Likewise, an OPLAN for the takeover must be prepared which should include the administrative and logistical needs and coordination to be made with friendly forces.

a. Jail Security Survey

The Jail Security Survey includes a description of the jail's location, the lot area and the physical structures such as the buildings, perimeter fence, towers, catwalks, kitchen, multi-purpose hall, mess hall, etc. It also includes the list of the jail's equipment such as firearms, handcuffs, pro-batons and prisoners vans, etc.

A compilation of the inmates' profile must also be made where their names, addresses, sex, birthdates, case or offense charged, courts with jurisdiction over them and the status of their cases are listed.

Likewise, the presence of inmates' gangs or "pangkats" as well as the data on radical inmates and those who would possibly be hostile to the new management must also be included.

For a better appreciation of the jail's profile, the Jail Security Survey must include pictures and video clips of the jail facility.

Lastly, it should include recommendations on how to remedy the deficiencies of its physical structures, especially its weak points and possible escape points and the administrative and operational lapses noted in order to strengthen the jail's security.

b. Preparation of the OPLAN

An OPLAN must be prepared for the takeover to include the conduct of Operation Greyhound and accounting of inmates and the dismantling of their cubicles and shanties (or kubols), if there is any.

The **Manual on Operation Greyhound** must serve as a guide during the planning of the cell inspections and searches.

Procedures for actions to be taken in case of inmates' resistance should be properly laid in the OPLAN.

Proper tasking must be included to ensure the feasibility of its execution. Key participants in the Operation Greyhound such as the Ground Commander, supervisors, cell searchers, recorders, outside and inside security personnel must be properly identified.

In addition, the following must also be included in the OPLAN, namely:

b.1 Coordination with friendly forces

Prior to the takeover, coordination with nearby friendly forces such as the AFP, PNP, BFP, PDEA and the Barangay must be made to ensure their assistance in case of incidents.

Per approved MOA with the PDEA, their agents may participate in the conduct of the Operation Greyhound while the Barangay Officials are to act as witnesses.

b.2 Administrative requirements:

List of the proposed jail staff such as the Warden, Wardress, Deputy Warden/Wardress, Records Officer, IWD Officer, Supply Officer, Mess Officer, Liaison Officer, Jail Nurse and the Custodial and Escort personnel.

Duty Detail for the Custodial and Escort Team.

The Personnel's Organizational Chart.

b.3 Funding requirements

The Regional Director should allocate funds for the food expenses for the Greyhound Operations and the Augment Teams, as well as the billeting for the latter.

c. During the takeover

a. Implementation of the OPLAN

The members of the Medical Team must be present and an ambulance and a fire truck, if possible, must be on standby for any eventualities. The security group must be equipped with crowd control gears such as riot shields, riot squad helmets, pro-batons, tear gas, and gas masks.

The following activities are to be done immediately after the turnover of the jail facility:

a.1 Turnover of the following jail properties from the Provincial Jail Warden (or his authorized representative)

List of inmates and Inmates *Carpeta*
Jail Logbooks
Cell Padlocks and keys
Pro-batons
Handcuffs
Firearms
Office furnitures and equipment, and
Vehicles

a.2 Inmates Headcount

All inmates must be present during the headcount. If there are inmates who are on "vale" (or under instruction) at other offices outside the Provincial Jail or Sub-Provincial Jail, they must be summoned to the jail for the headcount and must be treated like the other inmates and should no longer be allowed to go out of the jail without Court Order.

a.3 Operation Greyhound

The following activities are to be one as part of Operation Greyhound:

a.3.1 Place all inmates in a secure holding area outside their cells.

a.3.2 Segregate the cell leaders and orient them on jail policies.

Prior to the conduct of Operation Greyhound, the cell leaders must be brought out of their cells and placed in an area where they could not give adverse instructions to their co-inmates.

While the cell leaders are in the holding area, they must be apprised of the BJMP's policies on the following:

Visitation

Conjugal visit

Contraband

Alcohol/intoxicating liquor

Drugs

Deadly weapons and potential weapons

Prohibition on stay-in of inmates' families

Inmates are not allowed to go out of jail without
Court Order

And other policies which must be conveyed to the
inmates

a.3.3 Searching of cells.

a.3.4 Collection and recording of confiscated contraband.

a.3.5 Taking of pictures and videos of the confiscated items.

Intelligence for deciphering of its messages, especially those taken from radical inmates.

e. Submission of After-Activity Report

Immediately after the takeover, an After-Activity Report must be submitted to the NHQ (Attn: Directorate for Operations) including the pictures and video clips taken during such takeover. Aside from informing the SILG regarding the takeover, said report will also be used as a basis in the drafting of the request to the DILG for the renaming of the Provincial and Sub-Provincial Jails.

A copy of the report must also be submitted to the Office of the Governor or the City or Municipal Mayor, as the case may be copy furnished the PNP Provincial Office and the Chief of Police. If appropriate, a copy of the report may also be submitted to the office of the Congressman or Congressmen in case the jail caters to inmates from more than one congressional district.

f. Coordination with the Courts

The Warden must write a letter to all Executive Judges in their AOR informing them regarding the takeover of the jail. The data on inmates' profile under the respective Court's jurisdiction must be included in the letter. A certification regarding the Commitment Orders issued for all the inmates must be requested from the Executive Judges to ensure that no Commitment Order for the inmates is left unrecorded so as to avoid the unauthorized or inadvertent release of inmates.

B. Guidance on the use of force in case of inmates' resistance

During the conduct of the above activities, it is possible that the inmates would try to resist by staging a noise barrage, riots or other disturbances to show their resistance or dislike for the incoming management.

In order to properly address said acts of resistance, appropriate provisions of the **SOP on the Use of Force and Weapons** and the operational plans for jail incidents on riots, noise barrage, etc. should be applied.

The nearby PNP and BFP stations must immediately be alerted to the situation.

Further, maximum tolerance should be observed and no excessive or unnecessary force may be used on the inmates.

To ensure the proper documentation of the above activities, pictures and video clips using at least two (2) video cameras during the entire proceedings must be taken and should later be included in the report to be submitted to the NHQ (Attn: Directorate for Operations).

VI. EFFECTIVITY

This SOP shall take effect immediately.


ROSENDO M. DIAL, CESO III
Jail Director (DSC)
Chief, BJMP