

Republic of the Philippines
Congress of the Philippines
Metro Manila

Eighteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, two thousand twenty-one.

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[REPUBLIC ACT NO. **11928**]

AN ACT ESTABLISHING A SEPARATE FACILITY FOR PERSONS DEPRIVED OF LIBERTY CONVICTED OF HEINOUS CRIMES AND APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* — This Act shall be known as the “Separate Facility for Heinous Crimes Act”.

SEC. 2. *Declaration of Policy.* — Pursuant to Article II, Section 5 of the Constitution, which states that “The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”, and Article II, Section 11 of the Constitution, which states that “The State values the dignity of every human person and guarantees full respect for human rights”, the State implements policies and programs to promote the general welfare and the basic rights of every person deprived

of liberty (PDL) who are incarcerated in the national penitentiaries. Furthermore, the State adheres to the principle that different categories of persons deprived of liberty shall be kept in separate institutions or facilities in consideration of their age, sex, criminal record, and requirements for rehabilitation and reformation.

SEC. 3. *Coverage.* – This Act shall apply to all PDLs convicted of heinous crimes serving their sentences in penitentiaries and facilities of the Bureau of Corrections (BuCor).

SEC. 4. *Definition of Terms.* – As used in this Act:

(a) *Heinous crimes* refer to crimes defined under Republic Act No. 7659, which are considered as heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society. Heinous crimes shall include the following: treason; piracy in general and mutiny on the high seas and in Philippine waters; qualified piracy; qualified bribery; parricide; murder; infanticide; kidnapping and serious illegal detention; robbery with violence against or intimidation of persons; destructive arson; rape; human trafficking; and illegal drugs trafficking;

(b) *High-level offender* refers to a person convicted of heinous crimes and sentenced to *reclusion perpetua* or life imprisonment;

(c) *Person deprived of liberty (PDL)* refers to a person sentenced by a court to serve a term of imprisonment for an offense committed punishable under the Revised Penal Code (RPC), customs and tariff laws or other laws within the jurisdiction of the Bureau of Customs or enforceable by it, immigration laws, election laws, and other special penal laws, whether or not such person sentenced has filed an appeal. It shall also include a person committed to the BuCor by a court or other competent authority for temporary confinement for similar purposes; and

(d) *Secured and isolated place* refers to a place or location far away from civilian communities that would ensure the

safety and security of such communities and protect the facility from possible intrusions or intruders.

SEC. 5. Establishment of Separate Facilities for PDLs Convicted of Heinous Crimes. – There shall be established and maintained a separate, secure, and sanitary penitentiary for the custody and safekeeping of PDLs convicted of heinous crimes serving sentences in the prison facilities of the BuCor.

The separate facility for PDLs convicted of heinous crimes shall be built in a suitable location to be determined by the Secretary of Justice, away from the general population and other PDLs and preferably within a military establishment or on an island separate from the mainland.

The facility shall be located in a secured and isolated place to ensure that there is no unwarranted contact or communication from outside of the penal institution. There shall be at least three (3) separate facilities for high-level offenders, with one (1) facility each in Luzon, Visayas, and Mindanao.

Upon the establishment of such facilities, the BuCor shall include in its classification system PDLs convicted of heinous crimes as defined in this Act who shall serve their sentences in such separate facilities.

SEC. 6. Transfer of PDLs Convicted of Heinous Crimes to Heinous Crimes Facilities. – The transfer of PDLs convicted of heinous crimes shall be headed by the BuCor. The BuCor may seek the assistance of the Department of the Interior and Local Government (DILG), through the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP) or the Philippine Coast Guard (PCG), when the means of transporting the PDLs convicted of heinous crimes will be done through the use of an aircraft or sea vessel. The expenses in relation to the said transfer shall be charged against the budget of the BuCor.

The BuCor shall ensure that PDLs convicted of heinous crimes being transferred to the heinous crimes facility will be exposed to public view as little as possible, and that proper safeguards are adopted to protect them from insult, curiosity or publicity in any form. Any unreasonable inconvenience or unnecessary physical hardship on the PDLs while they are

being transferred, such as inadequate ventilation or light, shall be prohibited.

Separate vehicles should be used for male and female PDLs convicted of heinous crimes: *Provided*, That women and minors between fifteen (15) and seventeen (17) years of age shall be transferred and kept in a separate building inside the heinous crime facility.

When the transfer has been fully executed, a report jointly prepared by the BuCor, PNP, AFP or PCG, as the case may be, shall be submitted to the President of the Senate and the Speaker of the House of Representatives.

The transfer of PDLs convicted of heinous crimes shall be made within a period of thirty (30) days from the completion of the construction of the heinous crimes facility.

SEC. 7. *The Facility.* – The separate facility for PDLs convicted of heinous crimes shall be a state-of-the-art facility with surveillance cameras and the latest information technology and security systems capable of monitoring PDLs twenty-four (24) hours a day, and with enhanced and extensive security features on locks, doors, and its perimeters. The facility shall be maintained clean and habitable at all times. Sanitary and hygienic toilets and shower areas shall be provided and maintained.

SEC. 8. *Visitation.* – The Director General of the BuCor shall ensure that the PDLs convicted of heinous crimes kept in such separate facilities are allowed to communicate with their relatives or with their legal counsels only, under such conditions and circumstances as may be recommended by the Director General and approved by the Secretary of Justice.

SEC. 9. *Conduct of Inspection.* – An internal inspection, which is conducted by the prison administration, and an external inspection, which is conducted by the Department of Justice (DOJ), shall be conducted on a regular basis to ensure that the facility is administered in accordance with the Constitution, this Act, and other existing laws, rules and regulations, and to attain the objectives of the penal system.

SEC. 10. *Conduct of Random Drug Testing.* – There shall be regular random drug testing among the PDLs convicted of heinous crimes in the heinous crimes facility. The

random drug testing shall be done by any forensic laboratory or by any of the drug testing laboratories accredited and monitored by the Department of Health (DOH) to safeguard the quality of test results.

SEC. 11. *Oversight.* – Congress shall conduct a regular review of the implementation of and compliance with this Act, which shall entail a systematic evaluation of the performance of the concerned agencies with respect to its intent and objectives. The review shall be undertaken by the committees of the Senate and the House of Representatives that have legislative jurisdiction over this Act.

SEC. 12. *Information Technology Systems.* – The BuCor shall make sure that there will be an effective and efficient information technology (IT) system to be used in the build-up, maintenance and transmittal of necessary inmate records to all the prison and penal farms of the BuCor and other authorized government agencies. The IT system shall be integrated with other law enforcement agencies for effective monitoring.

SEC. 13. *Reportorial Requirement.* – The BuCor shall submit a bi-annual report to the President of the Senate and the Speaker of the House of Representatives starting from the commencement of the construction of the heinous crimes facility until its completion. Prior to the completion of the construction of the heinous crimes facility, the report shall include the progress of the construction and the information on the application of the budget in relation to the aforesaid construction. When the premises of the heinous crimes facility have been completed and occupied by PDLs convicted of heinous crimes, the report on the status of the implementation of this Act shall be submitted annually.

SEC. 14. *Appropriations.* – The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

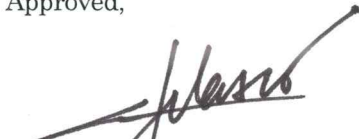
SEC. 15. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of Justice shall, in coordination with the Director General of the BuCor, promulgate the rules and regulations for the effective implementation of this Act.

SEC. 16. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 17. *Repealing Clause.* – All other laws, decrees, orders, proclamations, rules, regulations and other issuances or parts thereof inconsistent with this Act are hereby amended or modified accordingly.

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.


Approved,


LORD ALLAN JAY Q. VELASCO
*Speaker of the House
of Representatives*


VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1055 and House Bill No. 10355 was passed by the Senate of the Philippines and the House of Representatives on May 31, 2022 and May 30, 2022, respectively.


MARK LLANDRO L. MENDOZA
*Secretary General
House of Representatives*


MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved:

**Lapsed into law on JUL 30 2022
without the signature of the President,
in accordance with Article VI,
Section 27 (1), of the Constitution.**

RODRIGO ROA DUTERTE
President of the Philippines