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REPUBLIC OF THE PHILIPPINES)
First Regular Session)

23 MAR 21 P4 :10

SENATE
S.B. No. 2031

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Introduced by **Senator Raffy T. Tulfo**

**AN ACT ESTABLISHING SECURITY MONITORING SYSTEMS INSIDE
PRISON CELLS IN THE PHILIPPINES AND APPROPRIATING FUNDS
THEREFOR**

EXPLANATORY NOTE

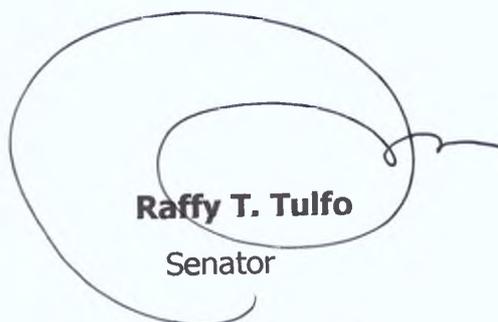
The Constitution of the Philippines guarantees the protection of the rights of persons deprived of liberty, including their safety and security while serving their sentence. However, despite efforts to ensure the safety and security of inmates, incidents of violence and other security breaches continue to occur inside prison cells.

To address this issue, this proposed act mandates the installation of security monitoring systems in all prison and jail facilities in the Philippines. The security monitoring system will be composed of closed-circuit television (CCTV) cameras, motion sensors, and other relevant equipment to ensure the safety and security of inmates and prison personnel.

The Bureau of Corrections (BuCor) and the Bureau of Jail Management, Penology (BJMP), and the Philippine National Police (PNP) shall be responsible for the installation, maintenance, and operation of the security monitoring systems in all prison cells in the country. The necessary funds to implement this Act shall be appropriated in the annual General Appropriations Act, with the Department of Budget and Management (DBM) allocating the necessary funds to the PNP, BJMP, and BuCor.

This Act seeks to promote the safety and security of inmates and prison personnel by providing an additional layer of security inside prison cells. With the use of security monitoring systems, incidents of violence and other security breaches can be prevented, and the rights of persons deprived of liberty can be better protected.

In view of the foregoing, the passage of this proposed act is earnestly sought.



Raffy T. Tulfo
Senator

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**AN ACT ESTABLISHING SECURITY MONITORING SYSTEMS INSIDE PRISON
CELLS IN THE PHILIPPINES AND APPROPRIATING FUNDS THEREFOR**

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

1 **Section 1. Short Title.** – This Act shall be known as the "Jails and Prisons
2 Monitoring Act of 2023".

3
4 **Sec. 2. Declaration of Policy.** – It is the policy of the State to provide a safe
5 and secure environment for arrested individuals, detainees, and convicted inmates inside
6 incarceration facilities. To achieve this, the State shall establish security monitoring
7 systems inside prison cells to monitor the activities of inmates and prevent any untoward
8 incidents that may put the lives and safety of the inmates and prison personnel at risk.
9 This is also necessary to deter criminal activities, prevent escape attempts, and monitor
10 the behavior of inmates inside the prison cells. Hence, this Act aims to establish a security
11 monitoring system inside the prison cells to ensure the safety of all inmates and
12 personnel.

13
14 **Sec. 3. Definition of Terms.** – For the purpose of this Act, the following terms
15 shall mean:

- 1 (a) Incarceration facility" refers to all PNP detention facilities, jails and prisons
2 as defined in this Section.
- 3 (b) "Prisons" refers to incarceration facilities run by the Philippine Bureau of
4 Corrections (BuCor)for convicted people deprived of his/her liberty as a
5 result of a court order or other lawful process;
- 6 (c) "Jail" refers to incarceration facilities run by the Bureau of Jail Management
7 and Penology (BJMP) for those whose cases are still pending in Court.
- 8 (d) "PNP detention facilities" refers to the holding cells in police precincts for
9 arrested individuals;
- 10 (e) "Closed-Circuit Television (CCTV) System refers to the use of video cameras
11 to transmit a signal to a specific place, on a set of monitors/a television
12 system that transmit images on a "closed loop" basis, where images are
13 only available to those directly connected with the transition system,
14 including other security camera systems, motion sensors, and other
15 appropriate technology that can detect any activity inside the incarceration
16 facility;
- 17 (f) "Images" refer to recorded images in the CCTVs, including video images.
- 18 (g) "Person in Authority" refer to designated officers of the PNP, BJMP, and
19 BuCor in charge of the incarceration facility.

20

21 **Sec. 4. Installation of Security Monitoring.** – The PNP, BJMP, and BuCor,
22 shall install and maintain a CCTV System inside all national, regional, and local
23 incarceration facilities in the country. The CCTV Systems shall cover all common areas
24 inside the facility and at the entry and exit points, inside the investigation area and
25 the perimeters. The CCTV Systems shall be operated by trained personnel who shall
26 be responsible for monitoring the activities inside the prison cells.

27

28 **Sec. 5. Purposes of CCTV Installation.** – The installation of CCTV Systems
29 shall have the following functions:

- 1 a) Crime Prevention. – The CCTV shall function as a tool of law enforcement
2 and crime prevention by way of effective monitoring of common areas and
3 ingress and egress in incarceration facilities;
- 4 b) Surveillance. – The CCTV systems shall function as a surveillance tool that
5 will allow the management of the PNP, BJMP, and BuCor in the said
6 incarceration facility to monitor the area, the detainees, prisoners, wardens,
7 and visitors, and ensure the safety and security of all individuals and the
8 protection of the properties within the facility.
- 9 c) Operations Monitoring. – The CCTV shall function as a tool to monitor the
10 general administrative conduct of the officers and wardens in the
11 incarceration facility, to make sure they are compliant with the rules,
12 regulations and protocols mandated by law.
- 13 d) Documentation for Institutional Purposes. – The CCTV Systems shall
14 function as a tool to monitor the progress or development of data; or the
15 sequences of events in a facility or institution. The data to be collected shall
16 be relevant, adequate and not excessive for the purposes for which they
17 are obtained.

18
19 **Sec. 6. Guiding Principles.** – This Act shall have the following guiding
20 principles:

- 21 a) The CCTV System shall at all times be operated with respect to people's
22 privacy and their right to conduct or engage in lawful activities;
- 23 b) Appropriate signs that are visible, and distinctive shall inform everyone of
24 the existence of CCTV Systems;
- 25 c) There shall be a system for addressing complaints to receive and investigate
26 complaints about alleged violations of privacy; and
- 27 d) Tapes or still photographs shall be disposed of in a manner which does not
28 allow the reproduction of any of the recorded material.

29
30 **Sec. 7. Prohibited Acts and Recordings.** – It shall be unlawful for any
31 person or officer of the incarcerated facility to perform the following acts:

- 1 a) Install or use the CCTV Systems in any restroom, toilet, bathroom,
2 changing room, strip search area, and other similar areas utilized for private
3 activities;
- 4 b) Install CCTV systems without due notice on the walls of the area covered
5 by the incarcerated facility;
- 6 c) To sell or publish any recorded material or still photographs for commercial
7 purposes; and
- 8 d) To upload any image, recording or stills from the CCTV on the Internet for
9 entertainment purposes.

10

11 **Sec. 8. Procedure for Access and Disclosure of Recordings.** – Only
12 authorized persons shall have access to images and recordings from CCTV System
13 images and recordings. Viewing of the images and recordings shall take place in a
14 restricted area or in private conditions. All access allowed or granted under the
15 circumstances must be documented and for limited or prescribed circumstances. The
16 use, viewing, copying or disclosure of images and recordings performed in accordance
17 with this Act shall be allowed in the following instances only:

- 18 a) Upon a written request from a person in authority in connection with and
19 limited to an investigation for the prosecution of any offense punishable by
20 law;
- 21 b) Upon lawful order of the court, in connection with a pending criminal or civil
22 proceeding;
- 23 c) To determine whether an offense has been committed against a person or
24 property within the incarceration facility and to ascertain the identity of the
25 perpetrator and the manner by which the crime was committed;
- 26 d) Any person whose image has been recorded may make an application in
27 writing for a copy of the recording or its still images;
- 28 e) The PNP, BJMP, and BuCor shall not be allowed to release images or
29 recordings from the CCTV to the media, except only when the circumstances
30 warrant to help identify the perpetrator of a crime or locate his
31 whereabouts, or as a matter of public information.

1 The use, copying or disclosure of images and recordings shall be authorized
2 within twenty-four (24) hours after submission of the request, as herein specified.

3
4 **Sec. 9. Retention, Storage and Preservation.** – Unless otherwise
5 reserved for a specific purpose to review the events of a crime or that the information
6 needs to be studied further for any number of reasons, data of recordings shall not
7 be kept for more than six (6) months and should automatically be overwritten or
8 deleted beyond said period.

9
10 **Sec. 10. Data Protection.** – The data collected through the security
11 monitoring system shall be treated with utmost confidentiality. Access to the data shall
12 be limited to authorized personnel only. The PNP, BJMP, and BuCor shall ensure that
13 the data collected shall be used solely for security and investigative purposes and shall
14 comply with the provisions of the Data Privacy Act (Republic Act No. 10173), and other
15 applicable laws and regulations governing the processing of personal information.

16
17 **Sec. 11. Appropriations.** – The necessary funds to implement this act shall
18 be included in the annual General Appropriations Act. The Department of Budget and
19 Management (DBM) shall allocate the necessary funds to the PNP, BJMP, and BuCor
20 for the installation, maintenance, and operation of the security monitoring systems.

21
22 (a) Fifty percent (50%) shall be allocated for the purchase, installation, and
23 maintenance of security monitoring systems inside prison cells; and

24 (b) Fifty percent (50%) shall be allocated for the hiring and training of personnel
25 to operate the security monitoring systems.

26
27 **Sec. 12. Implementing Rules and Regulations.** – Within sixty (60) days
28 from the effectivity of this Act, the Bureau of Corrections, in coordination with the
29 Department of Justice and other concerned agencies, shall promulgate the necessary
30 rules and regulations to implement this Act.

1 **Sec. 13. Penalties.** – The penalty of imprisonment of not less than six (6)
2 years but not more than ten (10) years or a fine of not less than Five hundred thousand
3 pesos (P500,000.00) but not more than One million pesos (P1,000,000.00), or both
4 imprisonment and fine at the discretion of the court shall be imposed upon any person
5 found guilty of unauthorized tampering, dismantling or disassembling of the security
6 monitoring system.

7

8 The provision of this section shall be applied without prejudice to criminal
9 prosecution or civil action under existing applicable laws.

10

11 **Sec. 14. Separability Clause.** – If any provision of this Act is declared invalid
12 or unconstitutional, the other provisions not affected thereby shall remain in force and
13 effect.

14

15 **Sec. 15. Repealing Clause.** – All laws, decrees, orders, rules, and
16 regulations or parts thereof that are inconsistent with the provisions of this Act are
17 hereby repealed, amended, or modified accordingly.

18

19 **Sec. 16. Effectivity Clause.** – This Act shall take effect fifteen (15) days after
20 its publication in at least two (2) newspapers of general circulation.

Approved,