

The causes and human rights Implications of over-incarceration and overcrowding in detention facilities in the Philippines

In the visit of the Commission on Human Rights of the Philippines in the detention facilities nationwide, overcrowding remains to be a serious concern, as proven by the following facts:

Name of detention facility	Date of visit	Ideal capacity	Actual population	Congestion rate
Rodriguez Municipal Jail	Jan. 24, 2014	100	262	162%
San Mateo Municipal Jail	Jan. 30, 2014	100	279	179%
Imus Police Station, Cavite	March 14, 2014	10	44	340%
Dagupan City Jail, Pangasinan	Feb. 20, 2014	120	574	378%
Santiago District Jail, Isabela	Jan. 29, 2014	80	463	479%
Guagua District Jail, Pampanga	Jan. 13, 2014	100	349	249%
Gapan City Jail, Nueva Ecija	March 18, 2014	112	332	196%
San Pablo Jail, Laguna	Feb. 26, 2014	175	599	242%
Cotabato City Jail	March 20, 2014	100	213	113%
Cabadbaran City Jail	March 27, 2014	45	113	151%
New Bilibid Prison, Maximum Security	June 6, 2014	3,755	14,500	286%
Bulacan Provincial Jail	Oct. 21, 2014	800	3,057	444%
Kalibo District Jail	Oct. 23, 2014	80	233	191%
Tubod Provincial Jail	Nov. 27, 2014	80	239	199%
Iligan City Jail	Oct. 28, 2014	150	445	197%
Surigao Del Norte District Jail	Dec. 1, 2014	45	164	264%

:

The over-congestion of detention facilities is caused by many factors, among which are the following:

1. The government does not provide sufficient budgetary allocation for the construction of additional detention facilities.
2. There is not enough number of courts to hear the cases; thus trial of criminal cases takes years while the accused is under incarceration.
3. Only a few local government units have established youth detention homes for children in conflict with the law.
4. The process for the parole or executive clemency of convicted prisoners is a tedious one.
5. The government does not have a strong crime prevention program.

Overcrowding brings rise to problems in the treatment of persons deprived of their liberty, as can be seen in the following instances:

- In Taguig City Jail Female Dormitory, one pregnant woman had to sleep on the floor because of lack of deck to sleep on.
- In Masbate Sub-Provincial Jail, the detainees have to stay in makeshift dwellings, without a cell or room, due to lack of space.
- In Cataingan District Jail, the cell for the female detainees is presently being utilized as isolation room for the male detainees afflicted with tuberculosis.
- In one building at the New Bilibid Prisons, Muntinlupa City, one hundred ninety nine (199) prisoners have to share in the use of only one (1) toilet.
- Overcrowding likewise results in lack of medical personnel to attend to the health needs of persons deprived of their liberty, and lack of medicines.

At present, the Philippine government is taking the following actions, to name a few, to remedy the situation:

1. There is a long term plan to transfer the prisoners at the New Bilibid Prisons to a spacious prison.
2. There is a pending bill in Congress regarding alternatives to imprisonment.
3. The Valenzuela, Makati and Mandaluyong city governments have built and are operating youth detention homes for children in conflict with the law.
4. The Navotas city government has also a plan to build a youth detention home.

However, despite these efforts, much still need to be done by the Philippine government to ease the overcrowding of detention facilities, such as the following:

1. Decriminalize certain laws, like adultery and concubinage;
2. Increase the number of courts to speed up the disposition of cases;
3. Provide budgetary allocation for the construction of additional detention facilities.
4. Majority of the local government units still have to comply with the Juvenile Justice and Welfare Act to set up and maintain youth detention homes.
5. The guidelines for the processing of parole or executive clemency should be made less stringent.

6. Enactment of a law on alternatives to imprisonment.

But at the hub of all these efforts must be an effective crime prevention program that addresses the root causes of offending, and a paradigm shift of the criminal justice system, from a retributive one towards a restorative justice.