CONTROL OF ENTRY AND SUPERVISION OF THE USE OF READING MATERIALS OF PERSONS DEPRIVED OF LIBERTY (PDL) IN JAILS

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I. REFERENCES

a. 1987 Philippine Constitution;
b. Rule 64. United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules);
c. BJMP Comprehensive Operations Manual Revised 2015;
d. Policy on Allowable Personal Property of Inmates;
e. Policy on Disposition, Nuisance and Contraband;
f. Proper Handing, Custody and Disposition of Seized Nuisance Contrabands; and
g. Revised List of Authorized Personal Properties for Persons Deprived of Liberty

II. BACKGROUND

The State recognizes the vital role of knowledge and information in nation- building and promotes the intellectual well-being of the people While persons deprived of liberty (PDL) are segregated from the free society, they share the same responsibility in building our nation especially so when they return to the mainstream of society. It is important to allow them to further educate and enrich themselves through reading books, magazines and other information, education, and communication (IEC) materials. Furthermore, it is a mandate under international law that every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

However, this effort in developing PDL also has its downfall. To mention a few, reading materials brought in jails accumulate in massive volume thereby occupying a great space/area; sheets of paper can be used as cigarette/cigar roll or can be converted into solid materials which can be used in making “kubol”; and stocks of paper can be an additional fire hazard to the jail. Furthermore, unnecessary items stored inside cells hamper the searching process or Operation Greyhound. Lastly unregulated use of printed materials by the PDL can distort the supposed developmental/therapeutic goals of the activities of reading and viewing. Hence, this Memorandum Circular is formulated to regulate, monitor and supervise the entry, use, and disposal of the reading materials of PDL in order to preempt their improper and illegal use and other unnecessary consequences to jail safety and security.

III. PURPOSES

a. To control the entry of reading materials in jails.
b. To regulate the use of reading materials by PDL.
c. To monitor and supervise the use, storage, and disposal of reading materials.
d. To provide sanctions for violation hereof.

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IV. SCOPE/COVERAGE

This memorandum circular shall be observed in all BJMP-manned jails nationwide.

V. DEFINITION OF TERMS

a. Reading Material (RM) - refers to bibles, books, prayer booklets comic books, coloring books, puzzle and game booklets, newspapers, magazines journals, pamphlets, posters, flyers, calendars and other information, education and communication (IEC) materials for reading and viewing.
b. Unauthorized Reading Material (URM) - any printed material for reading or viewing which contains obscene or pornographic images, subversive articles/discussions, and map of the immediate and surrounding vicinity of the jail including any road map or route map. Any RM containing codes or unconventional writings shall be considered as URM.
c. Record of Reading Materials (RRM) - refers to the official record of all reading materials that are being used by PDL in jails.
d. Censorship - the suppression or prohibition of any parts of books, films news, etc. that are considered obscene, politically unacceptable, or a threat to security.

VI. GENERAL POLICIES

Each jail shall regulate the entry of reading materials in jails and monitor/ supervise PDL in using the same taking into consideration the security and safety implications that may arise from such undertaking.

VII. GUIDELINES AND PROCEDURES

1. There should be maintained a Record of Reading Materials (RRM) in which all authorized reading materials are recorded, numbered and named. They shall be categorized and tagged as follows:

Category A – “For personal use”;
Category B – “For common use”;
Category C – “RMs relating to religion”;
Category D – “For learning/education”;
Category E – “Informative materials” such as newspapers or magazines

For categories A and C: e.g “RM No. QCJ-A-1234 name of PDL”. For categories B, D and E: e.g “RM No. QCJ-B-1234”

2. All RMs brought inside jails are to be inspected first by the duty searcher who shall check or browse them for censorship purposes and will be brought to the IWD Section. If the same are considered unauthorized reading materials, they shall be confiscated or returned to the person/s who brought or donated them.

3. The recording, tagging and categorizing of authorized reading materials will be made by the IWD Unit.

4. All RMs donated by service providers shall not be directly given to the PDL.
Such RMs shall undergo the process provided in the three (3) preceding numbers.

5. RMs for common use borrowed by PDL shall be recorded. Informative, educational, and pocket books are to be returned within three (3) days while newspapers, magazines, pamphlets, journals, flyers are to be returned after one (1) day. RMs borrowed are to be returned to the IWD Section after use or after the lapse of time mentioned.

6. There shall be a logbook under the control of the IWD personnel in which all borrowers of RM are recorded to include the date and time the RM was borrowed, description/title of RM, and the name and signature of the borrower when returned.

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7. A PDL shall be allowed to have his/her personal RMs, however they must be registered and they can only be allowed to be brought in the cell one at a time with allotted number of days per RM. After which and after all the personal RMs were read, they must be brought out from jail. Personal RM must be limited.

8. The act of tearing or removing any sheet of paper or page of any RM or totally destroying RMs is strictly prohibited. All RMs must be inspected before and upon returning by borrowers to detect if there are missing or torn sheets/pages. If there are missing pages, the owner/last borrower shall be presumed to be the one who took or tore the missing or destroyed page/s. Such PDL shall be subjected to proper proceedings by the Disciplinary Board of the jail/unit.

9. Each PDL is allowed to keep one bible for dally reading/use which must be
assigned with a serial/reading material number and shall bear the name of the PDL.
10. PDL enrolled under the Alternative Learning System (ALS) of the Technical Education and Skills Development Authority (TESDA) are allowed to keep books or ALS modules used in their schooling or tutorial sessions. Keeping and borrowing of such printed materials related to ALS skills trainings, and PDL trainings/seminar shall be monitored by the IWD Personnel in-charge.

11. All unauthorized reading materials confiscated from the possession of PDL must be turned-over to the contraband custodian of the jail facility for proper disposal. PDL having possession of unauthorized and unregistered RM is subject to proper disciplinary action.

12. All excess RMs except bibles and prayer books, shall be returned to the relatives of the PDL which own them or surrendered to the IWD Section for safekeeping until returned to PDL's relative. Unclaimed RMs shall be subjected for proper disposal or recycling for livelihood projects after one (1) month from the time they were returned to the IWD section.

13. Aiding or abetting the entry of URM and allowing PDL to use the same is strictly prohibited.

14. PDL to be released or transferred must either surrender or bring along with
him/her RMs in his/her possession depending on its category. In no instance a PDL to be released or transferred will leave behind a RM to a fellow PDL.

VIII. IMPLEMENTATION, MONITORING AND SUPERVISION

The Warden, through his Chief, Custodial Unit and Chief, IWD Section shall be in charge of the monitoring and supervision of the use of RMs.

The Jail Warden shall be responsible in educating the jail personnel, PDL, and visitors of this new policy thru PI & E for personnel orientation for inmates, and posting of the corresponding announcement in conspicuous areas within the jail facility for the consumption of the visitors and service providers.

The Chief, Custodial Unit shall be in charge of monitoring and supervising the implementation of safety, security, and disposition provisions of the policy.

The Chief, IWD Section shall assist in the implementation of this policy by assisting in the proper categorization of RMs, coordinating with the service providers donating RMs regulation of RMs for common use, ALS-related trainings, RMs used in skills trainings and other PDL trainings and seminars.

IX. PENAL CLAUSE

The strict observance of this policy is hereby enjoined and non-compliance herewith shall be dealt with accordingly

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X. SEPARABILITY CLAUSE

In the event that any provision or part of this policy is declared invalid by competent authority, all other provisions not affected by such declaration shall remain valid and effective.

XI. REPEALING CLAUSE

All other existing issuances that are inconsistent with this policy are hereby amended or modified accordingly.

XII. EFFECTIVITY

This Circular shall take effect fifteen (15) days after its filing at the University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2. Book VII of Executive Order No. 292, otherwise known as the "The Administrative Code of 1987."

Approved:

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