

AUTHORIZING EXECUTIVE JUDGES OF FIRST AND SECOND LEVEL COURTS TO APPROVE REQUESTS OF THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY TO TRANSFER OR CHANGE PLACE OF DETENTION OF HIGH-...

ADMINISTRATIVE CIRCULAR NO. 68 - 2005, October 27, 2005

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WHEREAS, Sections 61 and 63 of Republic Act No. 6975 entitled An Act Establishing the Philippine National Police Under a Reorganized Department of Inferior and Local Government, and for Other Purposes, provide that the Bureau of Jail Management and Penology (BJMP) which exercises supervision and control over all city and municipal jails, shall be under the supervision of the Department of Interior and Local Government (DILG);

WHEREAS, the BJMP is mandated to establish and maintain a secured, dean, adequately equipped and sanitary detention facility for the custody and safekeeping of city and municipal prisoners, any fugitive from justice, or person detained awaiting investigation, trial, or transfer to the national penitentiary;

WHEREAS, pursuant to and by virtue of its power of supervision and tustody, the BJMP has the authority to direct the transfer or change of place of detention of detainees;

WHEREAS, the BJMP has issued various circulars directing assistant regional directors and jail wardens to work out for the transfer of high-risk or tigh-profile detainees should it be deemed that the jails in which they are currently detained are not well secured against planned attempts for their rescue byfellow gang members, relatives or any other person;

WHEREAS, the BJMP, in its Memorandum dated 12 September 2003, to directed that no transfer of inmates to another jail shall be effected without a court order or approval;

WHEREAS, the court order or approval of such transfer is administrative in nature and falls within the duty and function of the Executive Judge, to visit and inspect local jails and the detained prisoners within the area of his or her rative supervision.

NOW, THEREFORE, to ensure speedy and efficient administrative action by the courts on requests of the BJMP through the City or Municipal Jail wardens relative to the transfer of high-risk or high-profile detainees to better secured jails, the Supreme Court hereby directs that:

1.

An requests for such transfer shall be submitted for appropriate action to the Executive Judge who has administrative supervision over the court in the place where the local jail in which the prisoner is currently detained; and

2.

The Executive Judge shall act forthwith on the requests, with notice to the Presiding Judge of the court before which the case of the detained prisoner is pending.

This Circular shall take effect immediately.

Issued this 27th day of October 2005.

(Sgd)HILARIO G. DAVIDE, JR.

Chief Justice

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