

AN ACT TO DEFINE AND FIX THE STATUS OF PRISONERS AND THE RESPONSIBILITY FOR THEIR MAINTENANCE, AND FOR OTHER PURPOSES.

Act No. 1703, August 31, 1907

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The following persons shall hereafter be considered to be municipal prisoners:

- (a) All persons detained or sentenced for violation of municipal or city ordinances.
- (b) All persons detained, pending trial before justices of the peace or before municipal courts.
- (c) All persons sentenced to the payment of a fine in cases where the subsidiary imprisonment for nonpayment of such fine is not to exceed nine month. or sentenced to *arresto menor* or to *arresto menor* and line, even in those cases where the person sentenced is subject to subsidiary imprisonment.
- (d) All persons sentenced to imprisonment not. exceeding thirty days.
- (e) All persons detained by order of a justice of the peace, or of a judge of a municipal court, pending preliminary investigation of the crime charged, until the court shall remand them to the Court of First Instance.

SEC. 2. Except as otherwise provided in this Act, all municipal prisoners shall be maintained by the city or municipality in which the offense was committed.

SEC. 3. Except as hereinbefore provided the following persons shall hereafter be considered to be provincial prisoners :

- (a) All persons detained pending preliminary investigation before judge of the Court of First Instance or pending trial before the Court of First Instance.
- (b) All persons sentenced by a court of original jurisdiction to *arresto mayor* or to *presidio correctional* or prison correctional for a period not exceeding one year, or to pay a fine not exceeding five hundred pesos, or to both penalties, even in those cases where the person sentenced is subject to subsidiary imprisonment: Provided, however, That the subsequent status of such prisoners shall be determined in accordance with section seven of this Act.
- (c) All persons sentenced by a court of original jurisdiction to imprisonment for more than thirty days and not exceeding one year.

SEC. 4. Except as otherwise provided in this Act, all provincial prisoners shall be maintained by the province in which the offense was committed.

SEC. 5. All prisoners who are neither municipal nor provincial prisoners shall be considered Insular prisoners: Provided, however, That all persons sentenced for violation of the immigration or Chinese exclusion laws, the customs and navigation laws, or Act Numbered Fourteen hundred and eleven, prohibiting the exportation of silver coins from the Philippine Islands, whatever the sentence imposed, shall be considered to be Insular prisoners.

SEC. 6. Except as otherwise provided in this Act, all Insular prisoners shall be maintained out of the appropriation for the Bureau of Prisons: Provided, however, That no prisoner at present under sentence in a provincial jail who

has less than one year to serve, after deducting from his sentence all allowances which he may have earned for good conduct up to the date of this Act, shall be deemed to be an Insular prisoner.

SEC. 7. Pending an appeal, the status of a prisoner shall not be changed, and whenever upon appeal to, or review by, a higher court, the status of a prisoner, as hereinbefore fixed, shall be changed by an increase or diminution of his sentence, the responsibility of the Insular Government or the provinces or municipalities, as the case may be, for the maintenance of such prisoner due to such change in sentence shall take effect from the date of judgment of the higher court and shall not be retroactive.

SEC. 8. All actual and necessary expenses incurred in the transportation and guarding and subsistence of prisoners during transportation from municipal jails to provincial jails, except the expenses of Constabulary escorts, if any, shall be paid from the funds of the proper municipality.

SEC. 9. All actual and necessary expenses incurred in the transportation and guarding and subsistence during transportation of Insular prisoners from provincial jails to an Insular prison, reformatory, or Insular penal institution, except, the expenses of the Constabulary escort, if any there be, shall be borne by the proper province. The return transportation of all discharged Insular prisoners from their place of confinement to their homes shall be paid out of the appropriation for the Bureau of Prisons.

SEC. 10. The Governor-General shall have the power and is hereby authorized to designate and establish Insular penal Institutions or settlements. He may direct the transfer of Insular prisoners between Insular penal institutions, and the reasonable and actual expenses incurred in the transportation, guarding and subsistence of such prisoners shall be paid out of the appropriation for the Bureau of Prisons: Provided, however, That when such prisoners are guarded by Constabulary escorts all expenses of such escorts shall be borne by the Bureau of constabulary.

SEC. 11. All finally convicted able-bodied male prisoners may be compelled to work in and about prisons, jails, public buildings, grounds, roads and other public works of the Insular Government, the provinces, or the municipalities, under general regulations to be prescribed by the Director of Prisons, with the approval of the Secretary of Public Instruction: Provided, however, that this section shall not apply to persons over sixty years of age: And Provided further, That all prisoners who continue in prison pending a determination of their appeals may be compelled to police their cells, hygienic or sanitary reasons: And provided further, That finally convicted female prisoners may be assigned to work suitable to their sex and physical condition.

SEC. 12. The Governor -General may, from time to time, by executive order, detail finally convicted Insular prisoners to work in any part of the Islands upon any public work specified by him, and the Secretary of Public Instruction shall fix the terms and conditions upon which any branch of the Government may receive the labor of such Insular prisoners.

SEC. 13. Provincial boards may, with the approval of the Governor-General, direct the confinement of municipal prisoners in provincial jails when by reason of the lack, inadequacy, or insecurity of municipal jails such action becomes necessary. The cost of maintenance of such prisoners while confined in the provincial jails shall be a charge against the municipality to which the prisoners pertain at a per capita rate per day, not exceeding twenty centavos, to be fixed by the provincial board.

SEC. 14. Whenever, in the discretion of the Governor-General, the insanitary or insecure condition of any provincial or municipal it advisable, or whenever the public interests require, he for to any Insular prison or penal institution all or any prisoners committed to such jail, and may also direct the aid prisoners to provincial or municipal jails whenever it fined expedient. Such order of transfer may include any now serving sentence in any provincial or municipal jail, or now awaiting preliminary examination or trial. The order of commitment of such

prisoners, together with a copy of the order directing their transfer as hereinbefore provided, shall accompany the prisoners and be delivered with them to the officer in charge of the penal institution to which they are sent.

SEC. 15. Proceedings to release on bail any prisoner awaiting trial who may have been transferred to any Insular prison or penal institution under the next preceding section shall be brought in the court before which said prisoners case is pending, and in case bail is offered and accepted such prisoner shall be released on order of the court accepting and having jurisdiction to accept bail, and, if he so elects. shall lie returned to the province from which he was transferred, at the cost of the Insular Government, payable out of the appropriation for the Bureau of Prisons.

SEC. 16. The expenses of the transportation, guarding, subsistence, care, and maintenance of airy prisoner transferred to any Insular prison or penal institution, or returned to any province for trial, under section fourteen of this Act, shall be a charge against the treasury of the province from which he was transferred, and the amount of said expenses shall be fixed by the Secretary of Public Instruction, with the approval of the Governor-General.

SEC. 17. For the purposes of this Act the city of Manila shall be considered to be both a province and a municipality.

SEC. 18. Nothing in this Act contained shall be so construed as to change the provisions of section ten of Act Numbered Four hundred and thirteen, permitting provinces having no jails to arrange for the detention of their provincial prisoners in the jails of other provinces and to defray the expense of the maintenance of such prisoners or so as to change the provision of section eleven of said Act providing for the detention of fugitives from justice and their maintenance.

SEC. 19. Nothing contained in Acts Numbered Fifteen hundred and twenty-four and Fifteen hundred and sixty-one, relating to the enforcement, of conditional pardons and of paroles, and nothing contained in Act Numbered Fifteen hundred and thirty-three, relating to diminution of sentences for good behavior, shall be construed to change the original status of prisoners nor to transfer the responsibility for their maintenance as defined and fixed by this Act.

Sec. 20. Subsection (c) of section twenty-five of Act Numbered Fourteen hundred and seven is hereby amended to read as follows:

"(c) The actual cost of guarding, maintaining, and supervising prisoners confined in Bilibid Prison who are charges on the funds of the provinces or municipalities or of the city of Manila shall be calculated by taking the total current annual expense of Bilibid Prison, or of any other institution where they are confined, deducting therefrom the receipts accruing from manufactures made by them, and obtaining an average net cost per capita.

"A separate set of books shall be kept for each penal institution, and each of the provinces and municipalities and the city of Manila shall pay for such of their prisoners as may be detained or confined in any Insular prison or penal institution according to the per capita fixed as above stated."

SEC. 21. Section three of Act Numbered Fourteen hundred and thirty-eight is hereby amended so as to read as follows:

"SEC. 3. Minor prisoners now confined in Bilibid Prison, or in any provincial jail who, if males, were under the age of sixteen at the time of commitment, or, if females, under the age of eighteen at the time of commitment, may be transferred by executive order of the Governor-General fur the period of the unexpired portion of their sentences to any of the institutions mentioned in section one hereof: Provided, however, That the Governor-General prior to making transfer of any minor from Bilibid Prison or any provincial prison or jail to any such institution shall take into consideration the religion of the minor and that of his parents or next of kin and shall not transfer such minor without the approval of the parents or next of kin or any private

institution not under the control and supervision of the religions sect or denomination to which such minor and his parents or next of kin belong: And provided further, That any minor transferred as prescribed in this section to any of the institutions mentioned in section one hereof may be retransferred by executive order of the Governor-General to the prison or jail from which lie was transferred, there to be confined for the unexpired portion of his sentence. All reasonable and actual expenses incurred in the transportation, guarding, and subsistence of such minor prisoners shall be borne by the province in which said minor prisoners were sentenced, if they be provincial prisoners, or by the appropriation for the Bureau of Prisons, if they be Insular prisoners."

SEC. 22. Section five of Act Numbered Fourteen hundred and thirty-eight is hereby amended so as to read as follows:

"SEC. 5. Institutions to which minors are committed in accordance with this Act shall, subject to the approval of the Secretary of Public Instruction, adopt such rules and regulations as may be necessary for the safe custody, instruction, and educational training of the minors so committed, and, in so far as such minors are concerned, such institutions shall be under the supervision and control of the Secretary of Public Instruction."

SEC. 23. Acts Numbered Five hundred and sixteen and Nine hundred and sixty-two, section twenty-five (e) of Act Numbered Fourteen hundred and seven, and section thirteen of Act Numbered Four hundred and thirteen, as amended by section one of Act Numbered Fifteen hundred and eighty-seven, and all other Acts or parts of Acts inconsistent with this Act, are hereby repealed.

SEC. 24. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 25. This Act shall take effect on its passage.

Enacted, August 31, 1907.

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