



April 13, 2020

HON. CHIEF JUSTICE DIOSDADO M. PERALTA

Supreme Court of the Philippines
Padre Faura St., Ermita
Manila, Metro Manila

HON. MENARDO I. GUEVARRA

Secretary
Department of Justice
Padre Faura St., Ermita
Manila, Metro Manila

Dear Chief Justice Peralta and Secretary Guevarra:

We hope this letter finds you and your families safe and in good health.

In view of the high risks posed by COVID-19 to persons deprived of liberty in detention facilities, many countries have implemented measures to reduce the spread of the virus in prison and jail populations. While obviously the State cannot set free hardened criminals, may we join other voices in appealing to your good offices for humanitarian reasons to please identify selected groups and individuals that could be released? Our severely crowded detention facilities are fertile grounds for the proliferation of this highly communicable disease. A particular case in point is the suspected COVID-19 related death reported in the Quezon City jail that prompted the immediate contact tracing and isolation of inmates.

For your perusal, we are attaching examples of programs initiated by other countries to prevent and contain the transmission of the extremely contagious COVID-19 virus in their congested penal systems.

The Judicial Reform Initiative is respectfully requesting your good Office with the Parole and Probation Administration, to initiate a motu proprio review and assessment of the cases of the persons deprived of liberty (PDLs) highly vulnerable to COVID-19 for possible recommendation to the President for commutation of sentence and early release. This would help decongest our jails during this pandemic and safeguard the welfare of PDLs highly vulnerable to COVID-19. Similar to other countries' guidelines, we can stipulate exclusions such as those convicted of heinous or violent crimes, corruption, terrorism, and drug-related crimes exceeding a certain quantity or involving violence.

First offenders in cases arising from petty crimes, especially low-risk infractions committed by minors, should particularly be given consideration.

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Pending the approval of the proposal by the President, highly vulnerable PDLs, such as senior citizens 70 years old and above, and those with pre-existing serious medical conditions, subject to defined exclusions, may be temporarily segregated to more isolated and safer facilities.

We further appeal that we accelerate the laudable program of "Justice on Wheels", where pre-trial prisoners are immediately set free if they have already served the equivalent of, or more than the corresponding jail sentence that could have been imposed, in case of conviction.

Furthermore, may we request the good Secretary, together with the Public Attorney's Office and the National Prosecution Service, to file the appropriate motions in appropriate courts that would allow bail on recognizance or allow for a "home detention/confinement" set up for highly vulnerable PDLs.

A report submitted by the Bureau of Jail Management and Penology (BJMP) revealed that the jail congestion in the country has reached approximately 600% as of April 2018. The Public Attorney's Office also reported that the drug-related cases handled by PAO had ballooned from 74,000 in mid-2016 to an estimated 150,000 cases in just about six months' time.

We understand that this would be a difficult challenge to the penal system of the country. However, we humbly urge you to expedite these measures in order to prevent further spread of COVID-19 and mitigate the risks to those who are most vulnerable without sacrificing the better interest and safety of the many. Until a cure or vaccine for the virus is available, we may face successive waves of the pandemic during the coming months or years.

Since 2012, the Judicial Reform Initiative has been the principal voice of the business sector in advocating for an effective and efficient justice system, as a critical foundation for sustainable economic growth, global competitiveness, and promotion of social justice. We have enclosed a list of our trustees and member-organizations.

We sincerely hope this request merits your favorable consideration.

Thank you and best regards,


SHERISA P. NUESA
Chairperson, JRI


JOSE JEROME R. PASCUAL III
President, JRI

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Ms. TERESITA ANG-SEE, Representative, Citizens Action Against Crime (CAAC)

cc: House of Representatives Committee on Justice, Rep. VICENTE VELOSO III

Attachment 1: Programs Implemented by Other Countries to Control the Spread of Covid19 in their Penal System

https://www.npr.org/2020/04/07/828319691/they-re-all-really-afraid-coronavirus-spreads-in-federal-prisons?utm_source=npr_newsletter&utm_medium=email&utm_content=20200407&utm_term=4507177&utm_campaign=breaking-news&utm_id=9309432&orgid=

https://www.washingtonpost.com/national/inside-the-deadliest-federal-prison-the-seeping-coronavirus-creates-fear-and-danger/2020/04/09/deeceb6e-75b4-11ea-a9bd-9f8b593300d0_story.html?utm_campaign=wp_news_alert_revere_special_report&utm_medium=email&utm_source=alert&wpisrc=al_special_report_alert-national&wpmk=1

**Attachment 1 Summary:
Programs Implemented by Other Countries to Control the Spread of Covid19 in their
Penal System**

1. United States of America

- The State of New York is releasing or commuting the sentences of prisoners and detainees found to be most vulnerable to the virus. It facilitated the transfer to home confinement of elderly prisoners, people with pre-existing conditions and those who have been incarcerated for low-level, nonviolent offenses who have little time left on their sentences.
- The US Federal Bureau of Prisons' COVID-19 plan, posted on its website, includes suspending social visits, limiting inmate transfers, and screening newly-arrived inmates for exposure risk factors and symptoms.
- The NPR (National Public Radio) reported in an April 7 article entitled "They are really afraid: Coronavirus spreads in federal prisons" that US federal prisons are faced with the rapid spread of the virus at more than two dozen facilities in an outbreak in which at least seven inmates have died, almost 200 more are infected, as well as 63 prison staffers.
- The most recent report by *The New York Times* on April 8 reported that one of America's largest prisons, the Cook County jail in Chicago, is the largest known source of coronavirus infection in the country. On March 23, two inmates of the 4,000 incarcerated tested positive. The virus rapidly grew in the prison infecting more than 350 people. The article also describes the overall very serious situation with US prisons with over 1,324 persons infected.

2. Other Countries

- Tens of thousands of prisoners are being released in Afghanistan, Canada, India, Iran, Italy, Poland, Sudan, the United Kingdom and elsewhere.
- Indonesia has released 18,000 inmates to stop coronavirus from rampaging through its overcrowded prisons. The government has announced it plans to free more than 30,000 inmates to take pressure off prisons and jails beset by unsanitary conditions and at risk of infectious diseases.
- Similarly, India released 22,000 inmates in order to reduce the risk of coronavirus transmission in their overcrowded facilities. India's Justice and Human Rights Minister indicated that prisoners being released are those who have served two-thirds of their sentences, except those convicted for corruption, terrorism, and drug-related crimes

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[Attachment 2: Chicago's Jail Is Top U.S. Hot Spot as Virus Spreads Behind Bars At least 1,324 confirmed coronavirus cases are tied to prisons and jails across the United States, according to data tracked by The Times, including at least 32 deaths, New York Times, April 8, 2020](https://www.nytimes.com/2020/04/08/us/coronavirus-cook-county-jail-chicago.html)

<https://www.nytimes.com/2020/04/08/us/coronavirus-cook-county-jail-chicago.html>

[Attachment 3: International Red Cross Committee \(ICRC\) Recommendation on the Philippines detention system.](https://www.icrc.org/en/document/philippines-icrc-steps-support-congested-detention-facilities-covid-19-looms)

ICRC expressed its support of the measures taken by authorities to mitigate the spread of COVID 19, and offered its advice and assistance to take stock of the potential gravity of the situation and step up measures transversally in all places of detention, from police lockups, jails under the Bureau of Jail Management and Penology (BJMP), prisons under the Bureau of Corrections (BuCor), to the provincial jails and immigration detention facilities.

<https://www.icrc.org/en/document/philippines-icrc-steps-support-congested-detention-facilities-covid-19-looms>