



Republic of the Philippines  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**  
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle Quezon City  
<http://www.dilg.gov.ph>

MEMORANDUM CIRCULAR  
NO. 2017- 40

TO : ALL PROVINCIAL GOVERNORS, CITY/MUNICIPAL MAYORS  
AND THEIR RESPECTIVE SANGGUNIAN PANLALAWIGAN/  
PANLUNGSOD/BAYAN MEMBERS AND OTHER CONCERNED  
LOCAL GOVERNMENT OFFICIALS  
CHIEF, BUREAU OF JAIL MANAGEMENT AND PENOLOGY  
(BJMP)

SUBJECT : LOCAL GOVERNMENT ASSISTANCE TO THE BUREAU OF JAIL  
MANAGEMENT AND PENOLOGY

DATE : March 2, 2017

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1. Pursuant to the mandate of R.A. No. 7160 otherwise known as the Local Government Code of 1991, local government units play a vital role in the efficient and effective delivery of jail service. Explicitly, Section 447 and Section 458 thereof, on the powers, duties, functions and compensation of the Sangguniang Bayan and Sangguniang Panlungsod, respectively state:

**Section 447. Powers, Duties, Functions and Compensation.** – (a) *The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:*

*(5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:*

*(xv) Establish and provide for the maintenance and improvement of jails and detention centers, institute sound jail management programs, and appropriate funds for the*



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*subsistence* of detainees and convicted prisoners in the municipality;

**Section 458. Powers, Duties, Functions and Compensation.** (a) *The sangguniang panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, and shall:*

(5) *Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:*

(xv) *Establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management program, and appropriate funds for the subsistence of detainees and convicted prisoners in the city.*

2. Relying on this mandate, this Department brings to your attention that the Bureau of Jail Management and Penology (BJMP) is in dire need of your cooperation and assistance particularly on the following:

- a. Lot donation for the construction of jail facility in your area;**
- b. Subsistence allowance of detainees/convicted prisoner to augment delivery of food service; and**
- c. Maintenance and improvement of jail/detention facility to have a secured, clean, adequately equipped and sanitary jail in your area.**

3. The Sangguniang Panlalawigan has a parallel mandate under Section 468 of the same Code which states:

**Section 468. Powers, Duties, Functions and Compensation.**(a) *The sangguniang panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for*



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*the general welfare of the province and its inhabitants pursuant to Section 16 of this Code in the proper exercise of the corporate powers of the province as provided for under Section 22 of this Code, and shall:*

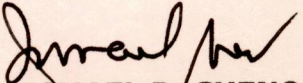

*(4) Approve ordinances which shall ensure the efficient and effective delivery of basic services and facilities as provided for under Section 17 of this Code, and, in addition to said services and facilities, shall:*

*(vii) Establish and provide the maintenance and improvement of jails and detention centers, institute a sound jail management program, and appropriate funds for the subsistence of detainees and convicted prisoners in the province;*

4. While the Provincial Government does not exercise operational and administrative control over all city and municipal jails, this nonetheless does not preclude possibility of lending assistance to the BJMP to meet its need.

5. With the foregoing, all City/Municipal Governments and the BJMP are enjoined to make concerted efforts, foster cooperation by way of extending much-needed support or assistance to one another, including Provincial Governments within well defined limits, to be able to fulfill our mandate of establishing humane safekeeping and development of our persons deprived of liberty (PDL) in all local government units nationwide in accord with the international standards in pursuit of public safety.

For your guidance.

  
**ISMAEL D. SUENO**  
Secretary 



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