

Republic of the Philippines
Supreme Court
Manila

EN BANC

RE: Jail Transfer of Persons Deprived of Liberty (PDLs) Sentenced to Three Years and Below Sentenced Without the Necessity of a Court Order or a Mittimus.

A.M. No. 25-01-25-SC

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,*
LAZARO-JAVIER,*
INTING,
ZALAMEDA,
GAERLAN,
ROSARIO,
LOPEZ,
DIMAAMPAO,
MARQUEZ,
KHO, JR.,
SINGH, and
VILLANUEVA, JJ.

Promulgated:

November 11, 2025

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RESOLUTION

ZALAMEDA, J.:

* On official business.

*It is said that no one truly knows a nation
until one has been inside its jails.
A nation should not be judged by how it
treats its highest citizens, but its lowest ones.*

- Nelson Mandela

Before this Court is the Memorandum¹ dated January 22, 2025, from the Office of the Court Administrator (OCA) concerning the proposal of the Bureau of Jail Management and Penology (BJMP) to transfer persons deprived of liberty (PDLs) sentenced to imprisonment of three years or less without court approval.

The BJMP, through Ruel S. Rivera, Jail Director and Chief of the BJMP, sent a Letter² dated August 13, 2024 to then Court Administrator Raul B. Villanueva, now a member of this Court, requesting for the issuance of court circulars on the administrative transfer of PDLs with sentence imprisonment of three years or less without court intervention. This is pursuant to the Memorandum³ dated August 2, 2024 issued by Jail Chief Superintendent Felixberto S. Jagorin, Jr., Director for Welfare and Development of the BJMP.

The said BJMP Memorandum proposes, for purposes of jail decongestion and promoting the welfare of PDLs, the following guidelines for the transfer of PDLs sentenced to three years and below from congested jails to less congested ones:

- (a) The transfer initiated by the Jail Bureau only involves PDL[s] sentenced to 3 years and below. Insular prisoners or those sentenced to more than 3 years of imprisonment should be transferred to the national penitentiaries under the Bureau of Corrections pursuant to OCA Circular No. 266-2023. Meanwhile, the transfer of PDL[s] who are undergoing trial is subject to the approval of the courts;
- (b) The Jail Wardens of jail units where the PDL was originally serving sentence shall inform the concerned courts in writing after the transfer of the PDL to another jail facility. There is no need to request the issuance of a new mittimus order. On the other hand, the Jail Wardens of the receiving jail units shall inform the concerned courts when the transferred PDL is released from jail upon service of sentence in accordance with OCA Circular No. 201-2022;
- (c) The transfer should be made to a jail in a nearby municipality within the same region or another region to ensure that the families of the

¹ *Rollo*, pp. 1-5.

² *Id.* at 11.

³ *Id.* at 7-8.

PDL can continue to visit. The Jail Wardens of jail units where the PDL was originally serving sentence shall inform the families of the PDL of the said transfer;

- (d) The Summary of Credited Preventive Imprisonment and Granted Time Allowances, in addition to other required commitment documents, shall be furnished to the receiving jail upon the transfer of the sentenced PDL for faster and more convenient recording and computation of time allowances of the PDL and prevent overstaying of [the] PDL: and
- (e) Regional Directors of the Jail Bureau, through the Regional Paralegal Officers, shall determine, every month, the sentenced PDL who may be transferred in accordance with the aforesaid guidelines and identify the less congested or uncongested jail units where they may be relocated. Thereafter, the Regional Directors of the Jail Bureau shall issue the appropriate directives to the concerned jail units for them to implement the transfer of the sentenced PDL and to submit notices to the concerned court, copy furnished this level.⁴

The OCA found several grounds to favorably recommend the BJMP's proposal. *First*, the BJMP proposal would not affect prior OCA issuances regarding the transfer of PDLs, viz.:

- (a) PDLs to be affected are those who are not considered as national prisoners;
- (b) PDLs with pending litigation shall still be subject to the approval of the courts;
- (c) The courts will still issue the corresponding mittimus or commitment order upon the execution of the judgment—it is only the transfer after such event that is affected by the request;
- (d) The courts shall still be informed of the transfer, after the fact thereof;
- (e) The transfer shall be made within the same city or municipality, in the same region; and
- (f) All required documents would likewise be transferred for monitoring of the date of release.⁵

Second, the proposal is efficient because the BJMP is in a better position to evaluate the PDL's best interest, and the court's issuance of a new mittimus

⁴ *Id.*

⁵ *Id.* at 3.

order may only delay the transfer. In any case, the post-transfer notice to the courts will serve as a safeguard for any possibility of abuse.⁶

Lastly, the proposed administrative transfer of PDLs would address the problem of congested jails.⁷

The OCA nonetheless made further recommendations to supplement the BJMP's proposal, viz.:

- (a) The BJMP's notice after the transfer of prisoners should be made immediately thereafter or no later than three days after the said transfer;
- (b) The venue of the transfer should be the nearest possible location where the PDL was originally jailed, taking into consideration the privileges that may be affected, such as the privilege to view remains of a deceased relative within a 30-kilometer radius from the jail.⁸ The transfer should also be made in consideration of the possible consequences to the PDL and their family; and
- (c) The PDL and their family should be consulted on the transfer.⁹

Based on the May 2024 World Prison Population List, 14th ed.,¹⁰ of the Institute for Crime & Justice Policy Research, Birkbeck, University of London, the Philippines has the **11th highest numbers of prisoners in the world** with approximately 181,000. On the other hand, the United Nations Office on Drugs and Crime (UNODC) reports that from 2015 to 2021, persons deprived of liberty in the corrections system in the country ballooned from 94,691 to 165,528—an almost 75% rise.¹¹

The Philippines also ranks **third in the world for jail and prison overcrowding** according to the UNODC,¹² with a reported a congestion rate of 348% from January to October 2023.¹³ As of July 31, 2025, PDLs in the

⁶ *Id.*

⁷ *Id.*

⁸ Chapter 6, Section 1.3 and 1.3.6 of The Bureau of Corrections Operating Manual (2024). Section 1.3.6 states that, [t]he privilege [to view the remains of a relative] may be availed only if the deceased relative is in a place within a radius of [30] kilometers by road from the corrections facility. Where the distance is more than [30] kilometers, the privilege may be extended if the PDL can leave and return to his/her place of confinement during the daylight hours of the same day.

⁹ *Rollo*, p. 3–4.

¹⁰ World Prison Population List (fourteenth edition), available at https://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_14th_edition.pdf (last accessed on October 14, 2025).

¹¹ The Philippines Addresses Jails and Prisons Overcrowding, available at [https://www.unodc.org/roseap/en/philippines/2023/12/jails-prisons-overcrowding/story.html#:~:text=Manila%20\(Philippines\)%2C%207%20December,%E2%80%94%20a%20almost%2075%25%20rise](https://www.unodc.org/roseap/en/philippines/2023/12/jails-prisons-overcrowding/story.html#:~:text=Manila%20(Philippines)%2C%207%20December,%E2%80%94%20a%20almost%2075%25%20rise) (last accessed on October 14, 2025).

¹² *Id.*

¹³ On Mandela Day, UN Philippines Emphasizes Need for Prison Reform, available at <https://philippines.un.org/en/274557-mandela-day-un-philippines-emphasizes-need-prison-reform> (last accessed on October 14, 2025).

Philippines undergoing or awaiting investigation, trial or final judgment represent 87.32% thereof, or 100,476 based on BJMP's statistics.¹⁴ Only 12.68%, or 14,589 have been sentenced.¹⁵ Out of 483 jail facilities in the country, 69.34%, or 337 are congested, with the National Capital Region, CALABARZON and Region VII having the most congested cell areas.¹⁶

The Court is cognizant of the lingering problem of congestion of jail facilities. As early as 1981, this Court has already taken notice of the cramped situation in jails.¹⁷ In re *Alejano v. Cabuay*,¹⁸ this Court affirmed the Court of Appeals' (CA) finding regarding the condition of detention facilities, particularly city and provincial jails. Some of the members of this Court had also acknowledged this during the onset of the COVID-19 pandemic when some of the PDLs asked for provisional release on recognizance or bail in the case of *Almonte v. People*.¹⁹

There are also various Supreme Court and OCA issuances promulgated to alleviate the problem of overcrowded jails. In 2014, the Court issued A.M. No. 12-11-2-SC or the *Guidelines for Decongesting Holding Jails by Enforcing the Rights of Accused Persons to Bail and to Speedy Trial*. In 2016, OCA Circular No. 270-2016 was likewise issued, requiring Executive Judges of First and Second-Level Courts to inquire into the condition of the jail facilities in their jurisdiction, and the inmates of such jails, and if possible, temporarily suspend transfer of inmates to overcrowded jail facilities.

During the pandemic, where proximity between inmates also became a real and urgent risk, the OCA, in OCA Circular No. 91-2020,²⁰ reiterated the directive for judges to adhere to the guidelines for decongesting jails by enforcing the rights of the accused to bail and to speedy trial.

In 2022, the OCA likewise declared in OCA Circular No. 201-2022²¹ that trial courts no longer need to issue release orders for PDLs who have completed their service of sentence and when there is no other lawful reason for their continued incarceration. The OCA also directed local government units to report the names of PDLs who are qualified for immediate release under the said circular.

In 2023, the Philippines joined the Group of Friends of the Nelson Mandela Rules and explicitly expressed our commitment to adopting the

¹⁴ Data and Statistics, available at <https://bjmp.gov.ph/data-and-statistics/> (last accessed on October 14, 2025). The Data may be downloaded from this link: <https://drive.google.com/file/d/1HILy3wEqXY-uNdpkTrc580i2yWMukm8q/view>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *People v. Melendres*, 193 Phil. 716, 727 (1981) [Per J. Abad Santos, *En Banc*].

¹⁸ 505 Phil. 298, 316–317 (2005) [Per J. Carpio, *En Banc*].

¹⁹ See Separate Opinions of Justices Perlas-Bernabe, Leonen, Caguioa, Lazaro-Javier, Zalameda, Lopez, and Delos-Santos in *Almonte v. People*, 878 Phil. 628 (2020) [*En Banc*].

²⁰ Re: Release of Qualified Persons Deprived of Liberty (2020).

²¹ Non-issuance of a Release Order Upon Completion of Service of Sentence and Submission of Reports from Authorities Having Custody of Persons Deprived of Liberty (2022).

necessary changes to improve conditions in the country's detention facilities and ensure that the human rights and dignity of every prisoner is upheld.²² Maintaining safe and secure conditions for both prisoners and prison staff, as well as implementing disciplinary measures that respect human dignity and avoid torture or other forms of inhumane treatment, are some of the key elements of the Nelson Mandela Rules.²³

The Court has issued, in the past, Resolutions²⁴ on the transfer of national prisoners, or those sentenced to penalty of imprisonment for more than three years, to other national penal institutions. While these require the issuance of a mittimus order by the courts, the objective is the same: to provide a remedy to jail congestion.

The transfer of PDLs sentenced to suffer the penalty of imprisonment of three years or less to other jail units with less congested cells would provide an effective and immediate solution to lower jail congestion and enhance the living conditions of the PDLs. This, considering that **out of the 14,859 convicted PDLs in the country, 81.23% were sentenced to three years and below;** and only 18.77% are sentenced to more than three years imprisonment.²⁵

With these in mind, the Court **APPROVES** with **MODIFICATIONS** the BJMP's proposal and the OCA's recommendations.

While the transfer proposal of the BJMP and the recommendation of the OCA do not require a court order, the Court deems it proper that a mittimus order be issued. Moreover, instead of a notice of transfer, request for transfers shall be filed before the relevant courts at least 10 days *before* the intended transfer, copy furnished the families of the concerned PDLs. It shall include, among others, the purpose for the transfer, the intended receiving jail unit and its congestion capacity, as well as the pertinent details regarding the concerned PDL, such as, but not limited to, the duration of the sentence and the remaining period to be served.

Upon such receipt of such request, the courts shall act upon the same within five days, approving or denying the transfer and stating the reason/s therefore. A mittimus order shall be issued if the transfer is approved.

²² On Mandela Day, UN Philippines Emphasizes Need for Prison Reform available at <https://philippines.un.org/en/274557-mandela-day-un-philippines-emphasizes-need-prison-reform> (last accessed on October 14, 2025).

²³ Less 'Sleeping Like Sardines,' as Philippines Adopts Nelson Mandela Rules for Jails, available at <https://news.un.org/en/story/2024/07/1152161> (last accessed on October 14, 2025).

²⁴ A.M. No. 19-06-136-RTC (Re: Request to Transfer/Transport the National Prisoners or Persons Deprived of Liberty in the Bureau of Jail Management and Penology, Regional Office XII, to the Davao Prison and Penal Farm, Panabo City, Davao del Norte, instead of the San Ramon Prison and Penal Farm, Zamboanga del Sur) and A.M. No. 13-11-07-SC (Re: Circular Reiterating Relevant Portions of Existing Circulars or Administrative Issuance Regarding the Issuance of Mittimuses or Commitment Orders in the Transfer of Detainees/Prisoners) dated April 25, 2023; and OCA Circular No. 163-2013

²⁵ Data and Statistics, available at <https://bjmp.gov.ph/data-and-statistics/> (last accessed on October 14, 2025). The Data may be downloaded from this link: <https://drive.google.com/file/d/1HILY3wEqXY-uNdpkTrc580i2yWMukm8q/view>.

The courts will likewise be continually updated with the whereabouts of the PDLs eligible for transfer and those already transferred through the monthly monitoring reports to be submitted by the Regional Directors of the Jail Bureau.

Prison overcrowding is a complex matter—a critical crisis that demands a delicate balance between effective administrative efficiency and the protection of the fundamental rights and dignity of PDLs. Our collective mission is to forge a vital nexus that would bridge this administrative imperative with human compassion—and the Court is unequivocally committed to resolving prison congestion.

As powerfully articulated by Chief Justice Alexander G. Gesmundo at the first National Decongestion Summit on December 6, 2023, the Court is making a decisive move “to ensuring better jail management, the humane safekeeping of PDLs [persons deprived of liberty], and the speedy delivery of responsive justice, especially for those whose lives and liberty depend upon it.”²⁶

FOR THESE REASONS, finding meritorious the Bureau of Jail Management and Penology’s proposal in its Memorandum dated August 2, 2024 and the Office of the Court Administrator’s recommendations in its Memorandum dated January 20, 2025, the Court **APPROVES AND ADOPTS** the same with **MODIFICATIONS**.

To ensure the continued protection of the rights of the affected persons deprived of liberty vis-à-vis the jail decongestion advocacy of the Court, the following guidelines are **ISSUED** for the transfer to other jail units of persons deprived of liberty sentenced with a penalty of imprisonment of three years and below, to wit:

- (a) The Jail Bureau, through the Jail Wardens of the jail units where a person deprived of liberty (PDL) sentenced to three years or less is originally serving sentence, shall file the request for transfer of said PDL before the concerned court at least 10 days *before* their intended transfer to another jail unit, copy furnished the families of the concerned PDL.

The request for transfer shall include the purpose for the transfer, the intended receiving jail unit and its occupation capacity and/or congestion rate, as well as the pertinent details regarding the concerned PDL, such as, but not limited to, the duration of the sentence, the remaining period to be served, and whether the PDL to be transferred has special needs or whether the transfer would

²⁶ National Decongestion Summit: All Three Gov’t Branch Unite to Find Solutions to Jail and Prison Overcrowding, available at <https://sc.judiciary.gov.ph/national-decongestion-summit-all-three-govt-branches-unite-to-find-solutions-to-jail-and-prison-overcrowding/> (last accessed on October 14, 2025).

result in the loss of privileges, among others;

Upon receipt of such request, the courts shall act upon the same within five days, approving or denying the transfer and stating the reason/s therefore. A mittimus order shall be issued if the transfer is approved.

- (b) The request for transfer should be made to a lesser congested jail unit located in a nearby municipality or city within the same or contiguous region to ensure that the families of the PDL can continue to visit. In case of request for transfer of PDLs with special needs, the receiving jail units must be equipped to accommodate the PDL's needs, consistent with the Bureau of Jail Management and Penology's Comprehensive Operations Manual.
- (c) Once the request has been approved, the Regional Directors of the Jail Bureau shall issue the appropriate directives to the concerned jail units for them to implement the transfer of the sentenced PDL;
- (d) The Summary of Credited Preventive Imprisonment and Granted Time Allowances, in addition to other required commitment documents, shall be furnished to the receiving jail unit upon the transfer of the sentenced PDL. This is to ensure a faster and more convenient recording and computation of time allowances of PDLs and prevent their overstaying;
- (e) The Jail Wardens of the receiving jail units shall inform the concerned courts when the transferred PDL is released from jail upon service of sentence in accordance with OCA Circular No. 201-2022;
- (f) Regional Directors of the Jail Bureau, through the Regional Paralegal Officers, shall make a monthly monitoring report on the congestion status of the jail units in their respective regions, containing the following:
 - (1) A list of sentenced PDLs who may be transferred in accordance with these guidelines. The list shall include all relevant information required for a court request for transfer, among others;
 - (2) A list of sentenced PDLs who have been transferred to or from other jail units, along with relevant information as described above, including the details of their transfer;
 - (3) Data on the number of PDLs currently detained in each jail unit, as well as those transferred to or from other jail units; and

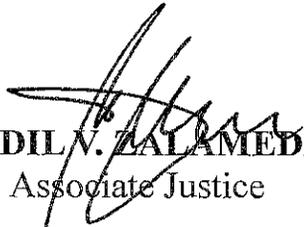


- (4) A list of less congested or uncongested jail units where sentenced PDLs may be relocated.

The Regional Directors shall furnish the Executive Judges of the trial courts having territorial jurisdiction over the jail units a monthly monitoring report every first week of the month.

The Office of the Court Administrator is **DIRECTED** to **ISSUE** the corresponding Memorandum for the implementation of these Guidelines.

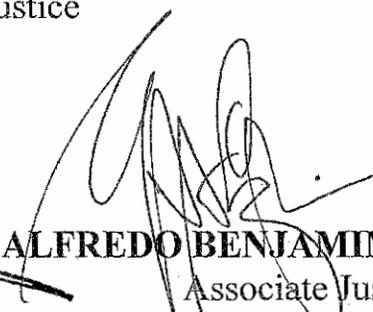
SO ORDERED.


RODIL V. ZALAMEDA
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

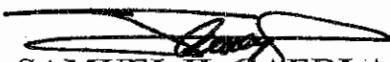

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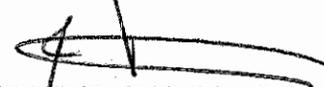
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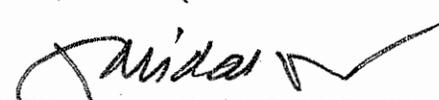

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