



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
BUREAU OF JAIL MANAGEMENT AND PENOLOGY
NATIONAL HEADQUARTERS

Juco Building, 144 Mindanao Avenue, Project 8, Quezon City
Trunklines: (+632) 927-6383; 453-1196
Email Address: director@bjmp.gov.ph Website: www.bjmp.gov.ph



MEMORANDUM

FOR : **J/SSUPT JOEL S SUPERFICIAL**
Director for Operations

SUBJECT : **LEGAL OPINION**
Re: Collection of "Calling Fee" By an Inmate from His Fellow.

DATE : 05 December 2016

1. References:

- a.) Article **"Calling sa QC jail, P20.00! Attn: SILG Sarmiento,"** published by Mr. Almar Danguilan in his column "AKSYON AGAD" in the tabloid HATAW! DYARYO NG BAYAN dated 26 May 2016;
- b.) Request from the Directorate for Operations for guidelines and or legal opinion pertaining to the herein subject; and
- c.) BJMP Manual Revised 2007.

2. ICOW the above references, in the **"Calling sa QC jail, P20.00! Attn: SILG Sarmiento,"** article of Mr. Danguilan, presented in his column "Aksyon Agad" and published in a tabloid HATAW! DYARYO NG BAYAN last 26 May 2016, he alleged that a "calling fee" in the amount of twenty (Php20.00) pesos is being collected or charged from an inmate everytime the latter has a visitor. The said amount according to the article is for the "service" being rendered by an inmate who acts as "call boy" (*one who calls the attention of his fellow inmate informing the latter that he has a visitor*) from his fellow inmate. Mr. Danguilan further alleged that the monies being collected thereat form part of the fund of every jail gangs or if not, of each of every cells in Quezon City Jail, and that the said columnist do not buy the idea that jail personnel from the said facility has nothing to do with the proceeds from the said collection.

3. Walking down memory lane, after the passage of Republic Act 6975 on 02 January 1991, and before the Jail Bureau took over the administration and control of Manila City Jail on 27 September 1992 from the Jail Division of Western Police District of the defunct Philippine Constabulary-Integrated National Police (PC-INP), jail practices such as but no limited to joining jail gangs (*e.g. Sigue-Sigue Sputnik, Sigue-Sigue Commando, Batang City Jail and Bahalana Gang*), hierarchy in each cell (*e.g. Commander, Mayor de mayores, Mayores, VIPs, Bosyo, Jury, Bastonero, Kulturero, Buyunero and others*), "Takal" or paddling as means of executing "justice" and discipline inside the cell, and "calling," are culture in the jail that has been passed on from the early jail administration to the present. All of the mentioned practices are well-within the control of the inmates most especially in the night after the last head count, where the cells are already padlocked, and every cells are automatically converted into a "virtual kingdom" where discipline and control is shifted from jail personnel to their respective cell leaders.

4. Admittedly though, "calling" is one practice of inmates where jail personnel has no control over. However, we cannot close our eyes to the fact that the practice of collecting "calling fee" is unconscionable, and the evil it brings like when an inmate who cannot or fails to pay for the "calling fee," will be subjected to "takal" or paddling at the behest of their leaders, an act considered by the Jail Bureau as barbaric and irrelevant in this present era, and is inconsistent with our mandate which is the safekeeping and development of inmates. The said practice or act must not be tolerated, much less the Jail Bureau will not allow it to continue. Its long practice and observance did not and will not in any manner ripen into a legitimate act.

5. Paragraph c, Section 9, Rule II (*Reception Procedures, Classification and Disciplinary Boards and Punishable Acts of Inmates*) of the BJMP Manual Revised 2007 provides:


"(6) Forcibly taking or extorting money from fellow inmates and visitors" (Underlining ours for emphasis)

Corollary to the above, the afore-cited provision is one of the punishable acts that may be committed by our inmates and is classified as **grave offense**.

6. However, at present the Jail Bureau has no hard and fast rule on the collection of "calling fee," neither it had been defined in unequivocal term as an offense. Verily, collection of "calling fee" may be considered or interpreted as "extorting money from fellow inmates," which is a grave offense punishable under the BJMP Manual Revised 2007.

7. Finally, it is respectfully recommended that it is imperative that the Jail Bureau through the Directorate for Operations shall come up with a policy prohibiting the collection of "calling fee" in all its jails nationwide.

8. Respectfully submitted.


PAULINO H MORENO JR
Jail Senior Superintendent
Chief, Legal Service Office

APPROVED/DISAPPROVED:


SERAFIN P BARRETTO JR, CESO IV
Jail Director
Chief, BJMP