



## CHARACTERIZATION OF PERSONS DEPRIVED OF LIBERTY (PDLs) AT CABAGAN DISTRICT JAIL, CABAGAN, ISABELA

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**ABSTRACT:** Republic Act 6975 created the Bureau of Jail Management and Penology under the Department of the Interior and Local Government. The act paved way on the creation of more jails efficiently manned by professionals, qualified, trained and committed jail personnel all over the country. In the Province of Isabela, there are district jails created and one of which is located in Cabagan, Isabela established on September 1, 2018. The jail is manned by a commissioned officer as warden having fifteen (15) male and six (6) female jail officers, a total of twenty one (21) active personnel. Cabagan is a 1<sup>st</sup> class municipality in the province. A total of sixty two (62) PDLs were used as respondents of the study representing 100 percent of its total population. This study was limited on the characterization of PDLs committed at the Cabagan District Jail, in Cabagan, Isabela. The researcher made use of a questionnaire to gather the needed data from the respondents. Interview was also conducted in order to verify some vague answers on the questionnaire. Findings of the study on age, most of the respondents are young with an age brackets of 28-37 and 38-47 years old respectively, majority are males, married, Roman Catholic, reached / finished high school, not employed, committed crimes against person and were arraigned, attended 1-5 times court hearings, been in jail for almost 6 months 1 day-12 months and most claimed that they were alleged suspects of the crimes charged against them. It is therefore concluded that majority of the respondents' profile are similar and differs on the circumstances that led to the commission of the crimes despite the fact that PDLs came from all walks of life except on the educational attainment as observed on the data gathered.

**KEYWORDS:** Arraignment, Commitment Order, Crimes, Persons Deprived of Liberty (PDLs), Court, Court Trial, Safekeeping, Rehabilitation, District Jail, Characterization.

### INTRODUCTION

Republic Act 6975 created the Bureau of Jail Management and Penology under the Department of the Interior and Local Government. The act paved way on the creation of more jails efficiently manned by professionals, qualified, trained and committed jail personnel all over the country. In the Province of Isabela, there are district jails created and one of which is located in Cabagan, Isabela established on September 1, 2018. The jail is manned by a commissioned officer as warden having fifteen (15) male and six (6) female jail



officers, a total of twenty one (21) active personnel. Cabagan is a 1<sup>st</sup> class municipality in the province.

The case of K.-F. vs. Germany (1997) is a paragon in this regard. A person was taken from their apartment to a police station, where an official record on deprivation of liberty was made an hour and 45 minutes after the arrest in the apartment. The court took the period of one hour and 45 minutes into consideration when adjudicating on the case.

Deprivation of liberty commences when the person is made aware, by means of physical restraining, words or behaviour, that they are not free to leave the place. This moment does not depend on how national laws regulate the moment of deprivation of liberty, as in many countries the moment of deprivation of liberty is taken to be the moment when the protocol/official record on such deprivation is made. However, the Court holds that deprivation of liberty commences when a person is “not allowed” to leave the spot.

*IACHR- 2002*, the right of persons deprived of liberty to humane treatment while under the custody of the state is a universally accepted norm in international law. In the Inter-American Human Rights System, this principle is enshrined primarily in Article XXV of the American Declaration, which provides: “every individual who has been deprived of his liberty has the right to humane treatment during the time he is in custody.” In addition, the humane treatment to be accorded to persons deprived of liberty is an essential element of Article 5(1) and (2) of the American Convention, which protects the right to humane treatment of all persons subject to the jurisdiction of a State party.

In addition, as already mentioned, the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas are grounded in the fundamental idea that “All persons subject to the jurisdiction of any member State of the Organization of American States shall be treated humanely, with unconditional respect for their inherent dignity, fundamental rights and guarantees, and strictly in accordance with international human rights instruments”.

In particular, and taking into account the special position of the States as guarantors regarding persons deprived of liberty, their life and personal integrity shall be respected and ensured, and they shall be afforded minimum conditions compatible with their dignity.



Training the staff responsible for running detention centers of all kinds must definitely be construed as an investment, not as a cost, and it should therefore be planned and crafted to match the needs of the institution concerned. Training is not just transformation or knowledge; it is also about developing skills and an aptitude for change.

United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) 2009, the State must take all necessary steps to ensure that all the detention centers in its territory –and not just those located in urban centers– are endowed with professional and well-trained staff.

United Nations, Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Third Report to the Commission on Human Rights, 2004, in addition to ensuring the proper training of the correctional staff, the public administration should also endorse the belief, in the minds of its members and in the community as a whole, that the work at the correctional institutions is an important service to the community.

Standard Minimum Rules for the Treatment of Prisoners (Rule 46.2) Generally speaking, penitentiaries are hostile, difficult, poorly funded environments, in which the work of prison officers can be, not just routine, but also highly stressful and exhausting. Such is why everything possible must be done to keep penitentiary staff motivated and conscious of the importance of the work they do.

BJMP spokesman Chief Insp. Xavier Solda said that for 23 years during the celebration of the National Correctional Consciousness Week (Nacocow), the agency has lined up programs and activities for PDL that would raise community awareness and participation in their reintegration to the society. “BJMP is creating an emerging product interest which we could promote to send the message that we need the public to see and understand particularly on the importance of having livelihood programs in jails”.

Other activities like exhibit and bazaars of PDL livelihood products, painting, literary and arts contest, talent search, values formation seminar, medical and dental missions are also expected to roll out within the Nacoco week. BJMP chief Director Deogracias Tapayan has pushed for the birth project of the bonsai competition “since the livelihood craft serves not only as a therapeutic activity for PDL who are still awaiting trial but each product is a reflection of life painted with faith, hope and love.”



BJMP firmly believes that these restorative efforts will inspire the PDL to rebuild their lost trail, and for the community to support their craft by accepting them as productive citizens of the society. At the same time, BJMP appealed for the support of the business sectors and other stakeholders through their respective corporate social responsibility to promote and engage the PDL crafts, a vehicle toward their successful re-entry back to the community.

### **STATEMENT OF THE PROBLEM**

This study was focused on the characterization of Persons Deprived of Liberty (PDLs) at Cabagan District Jail, Cabagan, Isabela. Specifically, it sought to answer the following questions:

1. What is the profile of the respondents in terms of:
  - 1.1 Age
  - 1.2 Sex
  - 1.3 Civil Status
  - 1.4 Religion
  - 1.5 Highest Educational Attainment
  - 1.6 Occupation before Detention
2. What was the crime committed by the PDLs?
3. What is the status of the case of the PDLs as to:
  - 3.1 Arraignment Status
  - 3.2 Number of hearings
  - 3.3 Number of years in jail
4. What circumstance that has led to the commission of the crime?
5. Is there a relationship on the crimes committed when grouped according to select profile variables?



## METHODOLOGY

This study employed the descriptive-correlational research design. It was used particularly to describe the profile of the Persons Deprived of Liberty (PDLs) at Cabagan District Jail, Cabagan, Isabela to determine the relationship among the profile variables, the status of the case and the circumstance that has led to the commission of the crime.

The primary tool in gathering the needed data was the questionnaire. The questionnaire was constructed by the researcher and pre-tested to determine the validity of the questions. Results of the pre-test were the basis of revising some questions not properly understood during the pre-test.

The data were tabulated, analyzed and interpreted by the researchers using descriptive statistics such as frequency counts, percentages and Pearson  $r'$ .

## RESULTS AND DISCUSSIONS

### Profile of the Respondents

**Table 1. Frequency and Percentage Distribution of the Respondents' Profile as to Age**

Age	Frequency	Percentage
Below 18 years	1	1.61
18-27 years old	15	24.19
28-37 years old	18	29.03
38-47 years old	18	29.03
48-57 years old	5	8.06
58 or more	4	6.45
<b>Total</b>	<b>62</b>	<b>100</b>

The frequency and percentage distribution of the respondents' profile as to age is shown in Table 1. As presented, frequencies of 18 or 29.03 percent belong to the age brackets of 28-37 and 38-47 respectively. The lowest frequency of 1 or 1.61 percent belongs to the bracket of below 18 years of age. The data imply that respondents are relatively young when they got involved in crimes and a minor who is committed in a regular jail to due to lack of a facility intended for minor offenders.



**Table 2. Frequency and Percentage Distribution of the Respondents' Profile as to Sex**

Sex	Frequency	Percentage
Male	56	90.32
Female	6	9.67
<b>Total</b>	<b>62</b>	<b>100</b>

Table 2 shows the frequency and percentage distribution of the respondents' profile as to sex. As shown in the table, majority or 56 with 90.32 percent male and 6 or 9.67 percent female PDLs which implies that males are more prone to the commission of crimes compared to female.

**Table 3. Frequency and Percentage Distribution of the Respondents' Profile as to Civil Status**

Civil Status	Frequency	Percentage
Single	20	32.25
Married	42	67.74
Separated	-	-
Widow/er	-	-
<b>Total</b>	<b>62</b>	<b>100</b>

As presented in Table 3, a frequency of 42 or 67.74 is married while the rest are single PDLs. The data imply that married individuals despite their marital status still get involved in the commission of crimes.

**Table 4. Frequency and Percentage Distribution of the Respondents' Profile as to Religion**

Religion	Frequency	Percentage
Roman Catholic	47	75.80
Iglesia Ni Cristo	-	-
United Methodist Church	-	-
Born Again	1	1.61
Others ()	14	22.58
<b>Total</b>	<b>62</b>	<b>100</b>

As presented in Table 4, majority of the respondents are Roman Catholics with a frequency of 47 or 75.80 percent. The data imply that Roman Catholic is the most dominated religion in this part of the province.



**Table 5. Frequency and Percentage Distribution of the Respondents' Profile as to Highest Educational Attainment.**

Highest Educational Attainment	Frequency	Percentage
Elementary Level / graduate	24	38.70
HS Level / graduate	30	48.38
College Level / graduate	4	6.45
Post Studies Level / graduate	4	6.45
<b>Total</b>	<b>62</b>	<b>100</b>

Table 5 shows the frequency and percentage distribution of the respondents' profile as to highest educational attainment. A frequency of 30 or 48.38 percent reached /finished high school followed by elementary level or graduate with a frequency of 24 or 38.70 percent. The lowest frequencies of 4 or 6.45 percent are college and post studies level or graduate respectively. The data imply that most of the respondents have undergone formal education.

**Table 6. Frequency and Percentage Distribution of the Respondents' Profile as to Occupation before Detention.**

Occupation before Detention	Frequency	Percentage
Farmer	12	19.35
Government Employee	2	3.22
Self-Employed	4	6.45
OFW	-	-
Others (not employed)	44	70.96
<b>Total</b>	<b>62</b>	<b>100</b>

The frequency and percentage distribution of the respondents' profile as to occupation before detention is presented in Table 6. Majority of the respondents were not employed before the commission of the crimes which implies that do not have permanent jobs as a source of living.



**Table 7. Frequency and Percentage Distribution of the Crime  
Committed by the Respondents**

Crime committed	Frequency	Percentage
Crimes against persons	34	54.83
Crimes against property	-	
Crimes against Special Laws	26	41.93
Others (kidnapping)	2	3.22
<b>Total</b>	<b>62</b>	<b>100</b>

Table 7 presents the frequency and percentage distribution of the crime committed by the respondents. As presented, 34 or 54.83 percent of the respondents committed crimes against persons like “murder, homicide, rape, physical injuries and the like” followed by a frequency of 26 or 41.93 percent on crimes against special laws while the lowest frequency of 2 or 3.2 percent committed on kidnapping. The data imply that majority of the respondents got involved on crimes against persons punishable by the Revised Penal Code and special laws (like RA 9165) wherein the penalty is heavier compared to those crimes punishable under the RPC.

**Table 8. Frequency and Percentage Distribution on the Status of the Case of the  
Respondents as to Arraignment**

Arraignment Status	Frequency	Percentage
Yes	60	96.77
Not Yet	2	3.22
<b>Total</b>	<b>62</b>	<b>100</b>

Majority of the respondents with a frequency of 60 or 96.77 percent have been arraigned on the cases filed against them is presented in Table 8 which implies that most of the PDLs have been asked by the court if they pleaded guilty or not on the crime charged.





**Table 9. Frequency and Percentage Distribution on the Status of the Case of the Respondents as to Number of Court Hearings**

Number of Court Hearings	Frequency	Percentage
0	7	11.29
1-5	25	40.32
6-10	17	27.41
11-15	9	14.51
16-20	2	3.22
21 or more	2	3.22
<b>Total</b>	<b>62</b>	<b>100</b>

Table 9 presents the frequency and percentage distribution on the status of the case of the respondents as to number of court hearings. As gleaned from the table, a frequency of 25 or 40.32 percent attended court hearings falling within the bracket of 1 to 5 times. The data imply that most of the PDLs have attended many court hearings for the cases filed against them due to various reasons and circumstances and awaiting final judgment from the court.

**Table 10. Frequency and Percentage Distribution on the Status of the Case of the Respondents as to Duration of Stay in Jail**

Duration of Stay in Jail	Frequency	Percentage
Below 1 month	1	1.61
1-6 months	14	22.58
6 months 1 day-12 months	15	24.19
1 year 1 day to 2 years	11	17.74
2 years 1 day to 3 years	14	22.58
3 years 1 day and more	7	11.29
<b>Total</b>	<b>62</b>	<b>100</b>

The frequency and percentage distribution on the status of the case of the respondents as to duration of stay in jail is shown in Table 10. The highest frequency of 15 or 24.19 percent of the respondents stayed in jail falling within the bracket of 6 months 1 day-12 months. The lowest frequency of 1 or 1.61 percent has stayed in jail for barely a month.



The data imply that most of the respondents have been in jail for quite some time for court trials for the crimes charged against them.

**Table 11. Frequency and Percentage Distribution on the Circumstance that has led to the Commission of the Crime**

Circumstance that has led to the Commission of the Crime	Frequency	Percentage
Revenge	-	-
Alleged Suspect	41	66.12
Jealousy	-	-
Poverty	-	-
Self-Motivated Interest	-	-
Self-defense	5	8.06
No reason	5	8.06
Others (Grudge)	11	17.74
<b>Total</b>	<b>62</b>	<b>100</b>

The frequency and percentage distribution on the circumstance that has led to the commission of the crime is presented in Table 11. A frequency of 41 or 66.12 percent of the respondents claimed that they were “alleged suspects” for the crime charged against them. The data imply that majority of the respondents have common reason or circumstance that has led to the commission of crimes charged against them.

**Table 12. Test of Relationship on the Crimes Committed and the Profile of Respondents**

Profile	r' value	Decision
Age	-.108	Reject
Sex	.139	Reject
Civil Status	.002	Reject
Religion	-.125	Reject
Highest Educational Attainment	.308	Accept
Occupation before Detention	-.129	Reject

± .250 critical value .05



The test of relationship between the crimes committed and the profile of the respondents at Cabagan District Jail is presented in Table 12. As shown on the result, the  $r'$  value of .308 is higher than the critical value of .250. This means that there is a significant relationship between the crimes committed and the highest educational attainment of the PDLs. This implies that the null hypothesis is accepted whereas all other profile variables have nothing to do with the commission which implies that the null hypothesis is rejected. The data imply that less educated individuals are more prone to get involved in the commission of crimes.

## CONCLUSION

On findings of the study, it can be concluded that majority of the respondents' profile are similar and differ on the circumstances that led to the commission of the crimes despite the fact that PDLs came from all walks of life except on the educational attainment as observed on the data gathered.

## RECOMMENDATIONS

In the light of the foregoing findings, the researcher has the following recommendations to offer:

1. Strengthen jail programs in preparation for PDLs reintegration.
2. More job opportunities to minimize the possibility of committing crimes.
3. Speedy disposition of cases should be given attention by the concerned agency.

## BIBLIOGRAPHY

<https://news.mb.com.ph/2018/10/28/bjmp-urges-public-to-support-cause-of-persons-deprived-of-liberty-by-buying-pdl-made-products/>

Republic Act No. 6975 December 13, 1990. An act establishing the Philippine National Police under a reorganized Department of the Interior and Local Government, and for other purposes.

The Bill of Rights of the 1987 Constitution

IACHR, *Report on Terrorism and Human Rights*, OEA/Ser.L/V/II.116. Doc. 5 rev. 1 corr., adopted on October 22, 2002, (hereinafter "*Report on Terrorism and Human Rights*"), para. 147.

United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), *Crime, Criminal Justice and Prison in Latin America and the Caribbean*, 2009, p. 275.



United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders

(ILANUD), *Crime, Criminal Justice and Prison in Latin America and the Caribbean*, 2009, p. 275.

United Nations, Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Third Report to the [former] Commission on Human Rights, E/CN.4/2004/56, adopted on December 23, 2003, para. 36