

Integrity Development Review



BUREAU OF CORRECTIONS

27 July 2007

A joint project of the Office of the Ombudsman (OMB),
Commission on Audit (COA), Department of Budget and Management (DBM),
and the Civil Service Commission (CSC) and implemented by the
Development Academy of the Philippines
under the EC-OMB Corruption Prevention Project



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Mandate

The BUREAU OF CORRECTIONS is an agency under the Department of Justice that is charged with custody and rehabilitation of national offenders, that is, those sentenced to serve a term of imprisonment of more than three (3) years.

Core Functions

To carry out its mandate, the Bureau undertakes the following:

- ⊕ Confine persons convicted by the courts to serve a sentence in national prisons.
- ⊕ Keep prisoners from committing crimes while in custody.
- ⊕ Provide humane treatment by supplying the inmates' basic needs and implementing a variety of rehabilitation programs designed to change their pattern of criminal or anti-social behavior.
- ⊕ Engage in agro-industrial projects for the purpose of developing prison lands and resources into productive bases or profit centers, developing and employing inmate manpower skills and labor, providing prisoners with a source of income and augmenting the Bureau's yearly appropriations.



1. Leadership: 1

| Strengths | Areas for Improvement |
|--|---|
| <ul style="list-style-type: none">⊕ BuCor's vision and mission statements are now displayed/ posted on conspicuous places both in the Central Office and the Penal Farms.⊕ Survey of employees showed that there is moderately positive (2.03) net agreement on the statement that "managers do not abuse their authority". | <ul style="list-style-type: none">⊕ Proactively discourage staff from engaging in corrupt practices;⊕ Assume specific responsibilities for corruption prevention and detection;⊕ Come up with agency specific organizational values;⊕ Goals, plans, targets, performance indicators should be aligned with vision, mission, and organizational values;⊕ Communicate and discuss BuCor's vision, mission and organizational values with employees regularly (Aside from face-to-face interaction, this can also be done through issuances, memos, and routing slips.). |



2. Code of Conduct: 1

| Strengths | Areas for Improvement |
|--|--|
| <ul style="list-style-type: none"><li data-bbox="254 440 1016 639">⊕ BuCor is one of the first agencies under the 3rd cycle to establish a customized Code of Conduct.<li data-bbox="254 656 932 855">⊕ Survey indicated that 97.48% of respondents submitted their SALN for 2005. | <ul style="list-style-type: none"><li data-bbox="1066 440 1797 695">⊕ Copy furnish the Ombudsman-BRO with the newly-established customized Code of Conduct for critiquing;<li data-bbox="1066 711 1797 911">⊕ A position-specific Code of Conduct may also be established for custodial positions;<li data-bbox="1066 927 1692 1078">⊕ Promote the Code of Conduct internally and externally;<li data-bbox="1066 1094 1818 1192">⊕ Each unit should maintain a copy of RA 6713;<li data-bbox="1066 1208 1808 1359">⊕ Employees should undergo a seminar on proper filing and analysis of SALN. |



3. Gifts Policy: 0

| Strengths | Areas for Improvement |
|------------------|--|
| | <ul style="list-style-type: none"><li data-bbox="1066 451 1839 755">⊕ Issue a written policy on gift, offer of bribe, institutional and personal donations tailored-fit to BuCor's nature of operation;<li data-bbox="1066 776 1839 901">⊕ Written policy should include registry of gifts;<li data-bbox="1066 922 1839 1031">⊕ Incorporate the written policy in the Code of Conduct;<li data-bbox="1066 1052 1839 1234">⊕ Publicize/ promote Gifts Policy to employees and external stakeholders. |



4. Human Resource Management: 2

| Strengths | Areas for Improvement |
|---|---|
| <ul style="list-style-type: none">⊕ Keeps records of meeting and decisions of the Personnel Selection Board;⊕ Recognition of integrity check as an essential part of the BuCor's recruitment and promotion process.⊕ Process flowcharts re: personnel concerns are posted at the entrance of Personnel Section's office.⊕ Survey indicates moderately positive (1.81) net agreement on the statement that recruitment follows a set of criteria. Slightly positive for promotion (2.34). | <ul style="list-style-type: none">⊕ Document any deviation from recommendations of Personnel Selection Board;⊕ Conduct of random checks of the process and decisions of the Selection Board;⊕ Establish post-employment policy for resigning/ retiring personnel;⊕ Reorientation on the process of selection and promotion to all employees;⊕ Ensure dissemination re: vacancies to all colonies;⊕ Lateral entrants should be accommodated on pure merit to discourage political accommodations; |



5. Performance Management: 0

| Strengths | Areas for Improvement |
|--|---|
| <ul style="list-style-type: none">⊕ Regularly prepares reports to assess accomplishment of its goals and targets.⊕ Regularly evaluates individual performance.⊕ Consistently rewards good performance and sanctions negligence of duty.⊕ Survey indicates highly positive net agreement (1.57) on the statement “my performance targets are clear to me”. Moderately positive (1.93) for “outstanding performance is rewarded in our agency”. | <ul style="list-style-type: none">⊕ Hold workshop on the institutional performance management system to craft performance indicators of the agency;⊕ All individual targets should be anchored on the identified performance indicators;⊕ HR to reorient all employees on the different dimensions of the PES.⊕ Sanction poor performance. |



6. Procurement Management: 0

| Strengths | Areas for Improvement |
|---|---|
| <ul style="list-style-type: none">⊕ Moderately positive net agreement (1.88) to the statement “procurement follows the procedures as stipulated under RA 9184”.⊕ Same with the statement “BAC decisions are impartial” (1.92). | <ul style="list-style-type: none">⊕ Comply with all the provisions of RA 9184 (e.g. annual procurement plan, fixed term for BAC, accredited third party observers and monitors, etc.).⊕ Maintain a database of prices of commonly procured goods, which should be regularly reviewed;⊕ Maintain a list of suppliers/ bidders and third party observers;⊕ BAC should adopt a written procedure on alternative modes of procurement; |



7. Financial Management: 1

| Strengths | Areas for Improvement |
|--|--|
| <ul style="list-style-type: none">⊕ There is highly positive net agreement (1.77) to the statement “management scrutinizes agency spending.”⊕ Moderately positive for the following: financial statements and audit reports are accessible (2.02) and employees know who and where to report irregularities in financial transactions (1.91). | <ul style="list-style-type: none">⊕ Leadership should prescribe certain rules on the use of specific resources (e.g. vehicle, farm inputs, quarters, utilities, etc.) and widely disseminate these rules;⊕ Adopt stricter policy against unliquidated cash advances;⊕ Increase fidelity bonds posted by all disbursement and collection officers to align with the amount of funds or property for which they are accountable;⊕ Ensure that Trust Fund Officers and IPX accountable officers are sufficiently bonded. |



8. Whistleblowing, Internal Reporting and Investigation: 0

| Strengths | Areas for Improvement |
|---|---|
| <ul style="list-style-type: none">⊕ Some employees were commended for reporting corrupt practices/ activities of colleagues.⊕ Survey indicated moderately positive net agreement to the ff statements:<ul style="list-style-type: none">⊕ Employees are encouraged to report corrupt behavior (2.00)⊕ Reports of employees on corrupt behavior are investigated (1.88). | <ul style="list-style-type: none">⊕ Leadership should issue a written guideline on whistleblowing, internal reporting and investigation;⊕ Widely disseminate the aforementioned guideline;⊕ Relevant personnel should undergo appropriate training in investigating and detecting corruption. |



9. Corruption Risk Management: 0

| Strengths | Areas for Improvement |
|--|---|
| <ul style="list-style-type: none">⊕ There is moderately positive net agreement (2.11) to the statement “BuCor implements measures to identify potential fraud and corruption”. | <ul style="list-style-type: none">⊕ Identify high corruption risk operations and functions and make a profile by assessing the likelihood of occurrence and level of significance.⊕ Personnel who will be assigned to the proposed Internal Audit unit are recommended to be trained on corruption risk assessment in coordination with the Office of the Ombudsman; |



10. Interface with the External Environment: 1

| Strengths | Areas for Improvement |
|--|--|
| <ul style="list-style-type: none">⊕ BuCor outsourced its inmate meal preparations in all its penal farms, thus eliminating possible corruption risks in the procurement and handling of foodstuffs, such as bid-rigging, spillage, pilferage, etc.⊕ Survey indicated highly positive net agreement (1.78) to the statement “overall, operations in our agency are clear and easily understood”. | <ul style="list-style-type: none">⊕ Provide relevant trainings, particularly to all Prison Guards, on interaction with the inmates and their visitors and resolving their complaints;⊕ Set up a client feedback system that dispenses with face-to-face contact and integrated into the performance evaluation system, specifically for rating PGs and other personnel doing similar functions. |



Summary of IDA Ratings

| Dimension | NBP | CIW | Iwahig PPF | Davao PPF | Assessor's Rating |
|--|----------|----------|------------|-----------|-------------------|
| 1. Leadership | 2 | 2 | 1 | 1 | |
| Validated Score | 1 | 1 | 1 | 1 | 1 |
| 2. Code of Conduct | 1 | 0 | 0 | 0 | |
| Validated Score | 1 | 1 | 1 | 1 | 1 |
| 3. Gifts Policy | 0 | 0 | 0 | 0 | |
| Validated Score | 0 | 0 | 0 | 0 | 0 |
| 4. Human Resources Management | 3 | 1 | 1 | 0 | |
| Validated Score | 2 | 1 | 1 | 1 | 2 |
| 5. Performance Management | 2 | 1 | 2 | 3 | |
| Validated Score | 0 | 0 | 0 | 0 | 0 |
| 6. Procurement Management | 0 | 1 | 0 | 1 | |
| Validated Score | 0 | 0 | 0 | 0 | 0 |
| 7. Financial Management | 3 | 1 | 3 | 1 | |
| Validated Score | 1 | 1 | 1 | 1 | 1 |
| 8. Whistleblowing, Internal Reporting and Investigation | 0 | 0 | 0 | 0 | |
| Validated Score | 0 | 0 | 0 | 0 | 0 |
| 9. Corruption Risk Management | 0 | 0 | 0 | 0 | |
| Validated Score | 0 | 0 | 0 | 0 | 0 |
| 10. Interface with External Environment | 3 | 2 | 0 | 2 | |
| Validated Score | 1 | 1 | 1 | 1 | 1 |



Corruption Vulnerability Assessment

CVA Area 1: Admission, Confinement and Treatment of Inmates

- ⊕ *Admission and Quarantine of Inmates*
- ⊕ *Transfer of Inmates to Other Colonies*
- ⊕ *Movement of Inmates to Attend Hearing*
- ⊕ *Movement of Inmates upon Request*
- ⊕ *Inmate Communication*
- ⊕ *Inmate Visitation*

CVA Area 2: Human Resource Management

- ⊕ *Recruitment and Promotion*
- ⊕ *Selection of Awardees*
- ⊕ *Awarding of Commendation/ Spot Promotion*

CVA Area 3: Management of Agro-industries

- ⊕ *Entering into Joint Ventures*
- ⊕ *Inmate Earnings*
- ⊕ *Sale of Farm Produce*



CVA Area 1: Admission, Confinement and Treatment of Inmates

Risks Identified

- 1) Laxity in searching incoming inmate and his belongings during admission;
- 2) Delegation of searching to unaccountable inmate orderlies;
- 3) Political accommodation may influence classification and segregation of inmates;
- 3) Wide discretion leading to preferential treatment – inmates may be allowed to overstay in the RDC as orderlies;
- 4) Gift-giving and bribery to Prison Guards in exchange for privileges;
- 5) Wide discretion in the part of certain prison authorities (such as the Director, Superintendent, Overseer, etc.) in recommending, approving, and implementing transfers.
- 6) Inmates and their padrinos may resort to political patronage and even bribery to be transferred to a preferred colony.
- 7) Absence of effective rotation scheme/ slow turnover of PGs (Gate Officers/Escort Guards) exposes them to corruption vulnerabilities unique to their positions.
- 8) Prison authorities might delay either intentionally or by procrastination action on inmate requests for movement (either to view deceased relative or seek medical intervention). Inmate's relatives may also bribe certain officials to act favorably on the request, even when some conditions are not satisfied, or to act on it with undue haste.



Controls/ Safeguards:

- ⊕ Second search done on new inmates upon transfer from RDC to compound of assignment (Maximum/ Medium/ Minimum);
- ⊕ Random searching (or raid) of prison compounds/dormitories;
- ⊕ BuCor's Operating Manual provides specific guidelines on admission, classification, transfer and movement of inmates, as well as inmate visitation and communication;
- ⊕ Administrative and/or criminal cases can be charged against erring prison officials/ personnel;
- ⊕ Classification and segregation of newly-admitted inmates undertaken by RDC Classification Board and not by a single official, dissipating discretion. Process is also guided by the Operating Manual and subject to the approval of the Director;
- ⊕ Requests for transfer of NBP inmates to colonies evaluated by the NBP Classification Board. Recommendation of CB is for the Director's approval;
- ⊕ Director and Superintendents regularly issue memoranda reminding officials and personnel to comply with prison rules and guidelines;



Recommendations:

- ⊕ Establish a system of incentives to motivate PGs to conduct searches more thoroughly;
- ⊕ Invest in high-technology searching equipment;
- ⊕ As much as possible, the Penal Superintendent or his duly designated representative should be present during the initial admission/searching of incoming inmate;
- ⊕ Searching should not be delegated to inmate orderlies.
- ⊕ Higher prison officials should look into the delegation of various administrative functions of the RDC to inmate orderlies;
- ⊕ RDC should come up with a program to inform the inmates of their individualized rehabilitation program;
- ⊕ Chief RDC should regularly report to the Director the names of inmates who have been staying at the RDC beyond the 60-day period, with justification for their continued stay;



Recommendations:

- ⊕ Adopt a policy against acquaintances between prison personnel and inmates. This should be integrated in the Bureau's customized Code of Conduct;
- ⊕ Adopt a scheme for rotating the PGs to prevent too much familiarity with the inmates. Bureau may consider fixing the tour of duty of a PG to a definite period (e.g. six months or less);
- ⊕ PGs should be re-oriented on proper demeanor and given trainings on personality development to be more assertive;
- ⊕ Prohibition for PGs to enter prison compounds outside their shift and for administrative staff to go inside at any given time, without clearance from Director or Superintendent, should be strictly enforced;
- ⊕ Victim or his relatives must be notified of the request and decision to transfer inmate;
- ⊕ The Chief Overseer should not be given the discretion to screen requests for transfer, it should be indorsed to the Superintendent immediately;



Recommendations:

- ⊕ Revise official pass form to reflect ETA to prison facility, the actual time of arrival to and departure from the courts, as well as the proposed route;
- ⊕ Consider transferring inmates to colonies closer to the courts where their cases are pending.
- ⊕ Establish written policy that processing of requests for movement should be done in the most expedient manner;
- ⊕ BuCor may consider revisiting the policy of requiring the imprimatur of the DOJ Secretary for requests made by inmates of NBP and CIW, since requests from the colonies need only the approval of the Superintendent.



CVA Area 2: Human Resource Management

Risks Identified

- 1) Abuse of discretion by colony officials giving preferential treatment to some applicants. (e.g. withholding information on vacancies, non-endorsement of some applicants);
- 2) Conflict of interest if applicant is related/acquainted to examining psychologists/ medical officer;
- 3) Director's participation in the panel interview may affect the democracy and independence of the process;
- 4) Wide discretion of Superintendents/ Division Chiefs in nominating for government, department, bureau-wide employee awards;
- 5) Wide discretion of Director in awarding Spot Promotions.



Controls/Safeguards

- ⊕ Information re: vacancies is passed on by word of mouth/ through grapevine;
- ⊕ Succeeding steps in the selection process (i.e. panel interview, written exam, etc.);
- ⊕ Abstract of applicants used in the panel interview promotes transparency by providing a bird's eye view of the applicant's credentials compared to the other applicant's;
- ⊕ PRAISE Committee is provided by CSC with a selection criteria;
- ⊕ BuCorEA (the bureau's employees' organization) is represented in the PRAISE Committee;
- ⊕ The deliberations are properly documented; and
- ⊕ Employee should meet CSC's minimum qualifications before his Spot Promotion can take effect.



Recommendations:

- ⊕ Post notices of job vacancy on the colonies' bulletin boards and other conspicuous places outside the colony, e.g. municipal hall;
- ⊕ Municipal job placement office may be informed for referrals and inclusion in job fairs;
- ⊕ Assure regional applicants that the Central Office received their applications through postings/ formal communication;
- ⊕ Unqualified applicants should be informed formally asap;
- ⊕ Consider referring neuropsychological and medical exams to accredited 3rd party laboratories to prevent conflict of interest;
- ⊕ To ensure objectivity of the panel interview, set of grading criteria/scoring RUBRIC should be adopted;
- ⊕ Director may inhibit himself from participating in the panel interview;
- ⊕ Institutionalize written exam as an indispensable stage in the recruitment and promotion process;
- ⊕ Deliberation of Personnel Selection Board should be governed by an established set of guidelines promoting an objective grading system.



Recommendations:

- ⊕ Memo for Search of Awardees should not only be addressed to the Prison Superintendents and Division Chiefs, but to all concerned;
- ⊕ Employees should be allowed to apply for the award, even without the nomination of his unit head;
- ⊕ Encourage peer and subordinate nominations to improve morale of the rank and file employees;
- ⊕ List of nominees for the award should be posted in the bulletin board. PRAISE Committee should declare the level or depth of their acquaintance with the nominees.
- ⊕ Director should justify in writing any endorsement departing from the recommendation of the PRAISE Committee.
- ⊕ Establish a set of guidelines governing the grant of Commendations and Spot promotions for standardization purposes.



CVA Area 3: Management of Agro-Industries

Risks Identified

- 1) Director has wide discretion in entering joint ventures, which may place the government and the inmates at a disadvantage.
 - ⊕ Lack of parameters in assessing benefits to bureau;
 - ⊕ Agreement may impact on the primary mandate of BuCor;
- 2) Pilferage may result from:
 - ⊕ Lack of responsible official to confirm reported output;
 - ⊕ There is no periodic inventory being made to storage facilities;
- 3) Abuse of discretion in the part of canvassers may give way to preferential treatment.
 - ⊕ Price quotations not signed by prospective buyers
 - ⊕ Small number of participants every auction may give rise to familiarization with BAC.
- 4) Bank statements on inmate earnings are kept by an IPX staff, who is not an accountable BuCor personnel;



Controls/ Safeguards:

- ⊕ Legality of Joint Venture Agreements is ascertained by BuCor's Legal Office.
- ⊕ The Central Office sets certain production targets for each penal farm to achieve. In effect, these targets can check possible underreporting and pilferage of farm produce by putting a floor on production volume.
- ⊕ Sales Unit cannot undertake any sale unless approved by the Superintendent;
- ⊕ Payment is not made to the Sales Unit but to a designated Collections Officer;
- ⊕ Release of good is done by the Property Custodian.



Recommendations:

- ⊕ Require JVA proponents to submit 3rd-party expert assessment of economic, security and social impacts of enterprise. Cost should be borne by the proponent;
- ⊕ Come up with Land Use Plan to determine the economic viability of real properties;
- ⊕ Targets for production must be expressed in production yield units, not in monetary terms;
- ⊕ Establish system of incentives/ commission for Production Coordinators and Projects In-charge who are able to meet certain production targets/ quotas;
- ⊕ Posting of Invitations to Bid in conspicuous places outside the colony; Utilize websites of BuCor and DOJ to advertise farm produce to ensure a wider market base;
- ⊕ Consider leasing out properties/ entering in joint ventures, instead of engaging in direct agro-industrial production;
- ⊕ Inmates should be updated of their accounts and withdrawals periodically, regular auditing of funds with reference of their financial concerns and systematic handling of their earnings;
- ⊕ In case an inmate dies and he has a standing account, relatives should be notified for the proper disposition of the account.



General Recommendations

- ⊕ Update the BuCor Operations Manual and conduct periodic refresher courses on the same.
 - ⊕ Each penal farm should be given a copy.
 - ⊕ Pertinent laws on the custody of national prisoners may be appended to the Manual.
 - ⊕ All incoming personnel should be properly oriented on the manual.
- ⊕ Establish a customized Code of Conduct for custodial personnel.
 - ⊕ The present Code of Conduct should have provisions on prohibited gift-giving.
- ⊕ Update the Agro-industries Production Manual and conduct periodic refresher courses on the same.
 - ⊕ Revised manual should contain clear guidelines and procedures on the sale of agro-industrial products.
 - ⊕ Incoming personnel should be properly oriented on the manual.



General Recommendations

- ⊕ Establish post-employment policy for resigning/ retiring personnel.
- ⊕ Incoming personnel should declare any conflict of interest arising from his/her employment in the bureau.
- ⊕ Invest in I.T. A strong electronic information system could improve BuCor's transparency as well as make its systems and record keeping more efficient.
- ⊕ Leadership may lobby for a new law modernizing the Bureau of Corrections, professionalizing the prison custodial force, and protecting the human rights of inmates, since the current law governing the national prison system was made way back during the American occupation and may no longer be responsive to the present situation.