

[Act No. 1703, August 31, 1907]

AN ACT TO DEFINE AND FIX THE STATUS OF PRISONERS AND THE RESPONSIBILITY FOR THEIR MAINTENANCE, AND FOR OTHER PURPOSES.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The following persons shall hereafter be considered to be municipal prisoners:

- (a) All persons detained or sentenced for violation of municipal or city ordinances.
- (b) All persons detained, pending trial before justices of the peace or before municipal courts.
- (c) All persons sentenced to the payment of a fine in cases where the subsidiary imprisonment for nonpayment of such fine is not to exceed nine month. or sentenced to *arresto menor* or to *arresto menor* and line, even in those cases where the person sentenced is subject to subsidiary imprisonment.
- (d) All persons sentenced to imprisonment not exceeding thirty days.
- (e) All persons detained by order of a justice of the peace, or of a judge of a municipal court, pending preliminary investigation of the crime charged, until the court shall remand them to the Court of First Instance.

SEC. 2. Except as otherwise provided in this Act, all municipal prisoners shall be maintained by the city or municipality in which the offense was committed.

SEC. 3. Except as hereinbefore provided the following persons shall hereafter be considered to be provincial prisoners :

- (a) All persons detained pending preliminary investigation before judge of the Court of First Instance or pending trial before the Court of First Instance.
- (b) All persons sentenced by a court of original jurisdiction to *arresto mayor* or to *presidio correctional* or *prision correctional* for a period not exceeding one year, or to pay a fine not exceeding five hundred pesos, or to both penalties, even in those cases where the person sentenced is subject to subsidiary imprisonment: *Provided, however,* That the subsequent status of such prisoners shall be determined in accordance with section seven of this Act.
- (c) All persons sentenced by a court of original jurisdiction to imprisonment for more than thirty days and not exceeding one year.

SEC. 4. Except as otherwise provided in this Act, all provincial prisoners shall be maintained by the province in which the offense was committed.

SEC. 5. All prisoners who are neither municipal nor provincial prisoners shall be considered Insular prisoners: *Provided, however,* That all persons sentenced for violation of the immigration or Chinese exclusion laws, the customs and navigation laws, or Act Numbered Fourteen hundred and eleven, prohibiting the exportation of silver coins from the Philippine Islands, whatever the sentence imposed, shall be

considered to be Insular prisoners.

SEC. 6. Except as otherwise provided in this Act, all Insular prisoners shall be maintained out of the appropriation for the Bureau of Prisons: *Provided, however,* That no prisoner at present under sentence in a provincial jail who has less than one year to serve, after deducting from his sentence all allowances which he may have earned for good conduct up to the date of this Act, shall be deemed to be an Insular prisoner.

SEC. 7. Pending an appeal, the status of a prisoner shall not be changed, and whenever upon appeal to, or review by, a higher court, the status of a prisoner, as hereinbefore fixed, shall be changed by an increase or diminution of his sentence, the responsibility of the Insular Government or the provinces or municipalities, as the case may be, for the maintenance of such prisoner due to such change in sentence shall take effect from the date of judgment of the higher court and shall not be retroactive.

SEC. 8. All actual and necessary expenses incurred in the transportation and guarding and subsistence of prisoners during transportation from municipal jails to provincial jails, except the expenses of Constabulary escorts, if any, shall be paid from the funds of the proper municipality.

SEC. 9. All actual and necessary expenses incurred in the transportation and guarding and subsistence during transportation of Insular prisoners from provincial jails to an Insular prison, reformatory, or Insular penal institution, except, the expenses of the Constabulary escort, if any there be, shall be borne by the proper province. The return transportation of all discharged Insular prisoners from their place of confinement to their homes shall be paid out of the appropriation for the Bureau of Prisons.

SEC. 10. The Governor-General shall have the power and is hereby authorized to designate and establish Insular penal Institutions or settlements. He may direct the transfer of Insular prisoners between Insular penal institutions, and the reasonable and actual expenses incurred in the transportation, guarding and subsistence of such prisoners shall be paid out of the appropriation for the Bureau of Prisons: *Provided, however,* That when such prisoners are guarded by Constabulary escorts all expenses of such escorts shall be borne by the Bureau of constabulary.

SEC. 11. All finally convicted able-bodied male prisoners may be compelled to work in and about prisons, jails, public buildings, grounds, roads and other public works of the Insular Government, the provinces, or the municipalities, under general regulations to be prescribed by the Director of Prisons, with the approval of the Secretary of Public Instruction: *Provided, however,* that this section shall not apply to persons over sixty years of age: *And Provided further,* That all prisoners who continue in prison pending a determination of their appeals may be compelled to police their cells, hygienic or sanitary reasons: *And provided further,* That finally convicted female prisoners may be assigned to work suitable to their sex and physical condition.

SEC. 12. The Governor -General may, from time to time, by executive order, detail finally convicted Insular prisoners to work in any part of the Islands upon any public work specified by him, and the Secretary of Public Instruction shall fix the terms and