



British Embassy
Manila

Information Pack for British Nationals Arrested and Imprisoned in the Philippines

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Introduction

Who can help?

The Foreign and Commonwealth Office (FCO):

The FCO is represented overseas by its Embassies and Consulates (High Commissions in Commonwealth Countries). Both employ consular officers, and one of their duties is to provide help and advice to any British National who gets into difficulty in a foreign country.

About the Embassy

We are impartial; we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with local regulations, and that you are treated no less favourably than other prisoners.

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. The attached list of lawyers is provided by the British Embassy for your convenience, but neither Her Majesty's Government, nor any official of the Consulate, take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice given.

We cannot get you out of prison, pay fines or stand bail or interfere with local judicial procedures to get you out of prison nor secure you an earlier trial date; we cannot investigate a crime.

We have tried to make sure that the information in this booklet is accurate and up to date, but the British Embassy cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

Who are the Consular Representatives?

HM Consul – Martin O' Neill

Vice Consul – Victoria Buenaventura

Vice Consul – Charmaine Canda

Vice Consul – Joanna Teh

Pro Consul – Aileen Ilagan

Pro Consul – Emmanuel Rosales

Pro Consul – Jermayne Gregorio

Contact Information

British Embassy Manila
120 Upper McKinley Road
McKinley Hill
Taguig City
Metro Manila
1634 Philippines

e-mail: Cons.Manila@fco.gov.uk

tel: +63 2 858 2200

fax: +63 2 858 2342

Opening hours:

Consular Section – Monday – Friday, 0730-1600hrs *consular assistance/support

Monday – Friday, 0830-1130hrs *notarial appointments

British Embassy – Monday – Friday, 0800-1645hrs

First Steps

Who will know I have been detained?

The detaining authorities will normally contact the Embassy within 24 hours once a foreign national has been detained. This practice may vary depending on the region i.e. police in Metro Manila tend to be quick off the mark in updating the Embassy. In the more distant provinces, this may not be the case.

What will my family be told?

The Embassy will only pass on information to your family and friends if requested to do so by the detainee.

What will the Consular Section do?

After being notified of your arrest, we aim to contact you within 24 hours.

We can:

- Visit you.
- Give you lists of English-speaking lawyers and interpreters.
- If you want your family or friends informed, we will do so and explain how they can transfer money to you, if necessary.
- Give information on local court procedures.
- Request medical attention if you need it.

We cannot:

- Get you out of prison or pay your fines.

Would I have a criminal record in the UK?

You should be aware that if you have been convicted for certain serious offences, such as sexual assault or drugs trafficking, we are obliged to inform the UK police. It is therefore possible that information about this offence may appear if a Criminal Records Bureau check were carried out by a prospective employer.

Visits

How do my family and friends arrange a visit?

Family and friends should contact the detention centres directly to enquire about visiting times and procedures. Most jails and prisons in the Philippines have a normal visiting schedule.

Visits at New Bilibid Prison (the largest prison in the Philippines) can usually only take place during the following designated visiting times:

Wednesday to Sunday 6 a.m. to 2 p.m. Visitors may be allowed in the prisoner's dormitory

Visitors must present their passports or any valid ID before entry to the prison is granted. If the visitor does not hold the same nationality as the prisoner, then he/she must obtain written approval from the prisoner's consular representative before the visit.

Visiting rules may vary depending on different prison authorities.

How many visits am I allowed?

There is no limit on the number of visits to a prisoner as long as they take place during designated visiting times.

Consular visits

If you are sentenced, consular staff from the British Embassy will visit at least once every 3 months.

We can also contact various religious organisations on your behalf if you wish to receive a visit by a religious official.

What can visitors bring?

Visitors can bring food, drink, books, magazines, bedclothes, clothing, and toiletries.

Prison conditions/services

Arrival at police station

You may initially be detained in the police holding cells. You will not be provided with food and drink, but are entitled to a small amount of money each day to buy these through the police guards.

It is wise to try and get some money of your own, so you can buy food, drink, phone cards and other small necessities. You are not normally allowed to use a mobile phone in the cell.

Arrival at prison

Detainees on remand, and people sentenced to less than three years imprisonment, are detained in city or provincial jails. Each city in Metro Manila has its own city jail. Some rural jails are small establishments attached to the local police station. Jails are run by the Bureau of Jail Management and Penology. Standards vary, but they are often very overcrowded dormitories, no sleeping bed, no toiletries, cramped conditions and inadequate water supply, sanitation and ventilation. Some are very old. Detainees may have to pay for basic requirements such as a bed space in a crowded cell or toiletries. Visiting privileges may vary from jail to jail, but are usually quite generous.

General Prison Conditions

On conviction prisoners sentenced to more than 3 years are transferred to a prison run by the Bureau of Corrections. Most British prisoners are serving their sentences in the maximum security compound of the New Bilibid Prison, Muntinlupa City in the south of Metro Manila. Except for those who are housed in a segregated dormitory, prisoners have generous freedom of movement around the compound during the day. Those with access to funds can shop, build their own living quarters, have their own TV, etc.

Women prisoners serve their sentence in the Correctional Institute for Women in Mandaluyong City, Metro Manila.

Prison conditions are generally crowded and unsanitary throughout the Philippines, particularly in the larger urban areas. Although levels of violence do not generally affect foreign nationals, there is a gang culture within the prisons with the gangs often appearing to run things on the inside while the prison authorities merely control the perimeter.

Prisons have very basic medical facilities. Sometimes none at all.

Mail/Parcels

Detainees can send letters to family and friends by post. Detainees may *receive* from families or friends parcels containing items such as toiletries, writing paper, envelopes, and dried food products. What they cannot receive are parcels that contain anything of a sharp nature or anything which may be able to be used as a weapon; items in glass or breakable containers or any aerosol sprays.

Prison authorities will check parcels for prisoners and may disallow certain items at their own discretion.

Can I make telephone calls?

Detainees cannot make and receive phone calls. Only emergency calls are permitted but with the prior approval of the Prisons Director or Superintendent only.

How can I receive money?

Detainees may receive money to spend on items in the prison shop if there is one. The Embassy can receive funds from relatives and friends via the FCO. The funds are transferred into local currency and delivered through any of the following ways: taken to the detainee when they next visit the facility where he/she is being held, by courier (courier charges are deducted from the total amount), or by Embassy messenger if the prison is not too far away from the Embassy and depending on availability.

British prisoners who have friends in the country are sometimes authorised to collect money from the bank or Western Union office.

Can I receive medical and dental treatment?

A court order is required to bring prisoner to a hospital except on extreme emergency cases.

Food and Diet

Unhealthy food rations, mainly rice and fish, served 3 times a day.

Prisoner Allowance / Vitamin supplements

British prisoners who receive monthly Prisoner's Abroad allowance also receive vitamin supplements.

Leisure and entertainment

There are very few leisure and entertainment facilities within Philippine detention centres other than occasional basketball courts.

Drugs

Drugs are in evidence within Philippine prisons – usually Methamphetamine. The drug trade within the jails is usually controlled by the prison gangs - often with the active connivance of the prison authorities.

How can I make a complaint about mistreatment?

You should initially speak with the warden of the detention centre. If you wish to escalate your complaint and you have little confidence in the local authorities, you should inform the Embassy.

The Philippine Judicial System

Is the system the same as in the UK?

No

What should happen when I am arrested?

Most people are arrested by the Philippine National Police (PNP) and are first taken to a police station although some other organisations, such as the Bureau of Customs, Bureau of Immigration and National Bureau of Investigation also have powers of arrest and detention. The British Embassy is usually notified by the Police of the arrest of a British National within 24-48 hours after the arrest. On arrest you are entitled to request a consular visit from the Embassy. Once a case has been entered in the Police Record Book (often referred to as the "blotter") the case must be referred to the City Prosecutor (sometimes referred locally as the Fiscal), who will interview the arrested person, the arresting officers and complainant, and may also require the filing of affidavits and counter affidavits in order to determine whether or not probable cause to file a criminal case exists.

Upon determination of probable cause, the Prosecutor shall file the appropriate information before the Trial Court Judge, and the judge, after examining the records, will issue the corresponding warrant of arrest. There is no specific time frame between arrest and sentencing.

For how long can I be remanded in custody?

You can be held without charge for a maximum of 36 hours under custodial investigation by which time either charges should be presented or you should be released without charge.

What provision is there for bail?

After being arrested, the accused may apply for bail. Except for cases where the sentence is 20 years or higher and the evidence of guilt is strong, an accused is entitled to post bail. The charge sheet reviewed by the City or Provincial fiscal will have an endorsed amount for the bail.

If you do not have enough funds for bail, we can contact friends/family in the UK on your behalf. It may take several days for the funds to arrive from friends/family, via the FCO.

You will be held in police detention until you have been formally charged and the case is forwarded to the Public Prosecutor. Once this has taken place you will be transferred to the nearest City or Municipal jail.

What kind of legal assistance is available?

Consular staff cannot give legal advice but they can provide you with a list of English speaking lawyers [<https://www.gov.uk/government/publications/philippines-list-of-lawyers>].

Prisoners Abroad can also supply information on legal aid, court proceedings and finding a lawyer.

What happens at the trial?

On arraignment day, charges are read and accused is asked to make a plea, Court will ask if accused has a private lawyer, if none, the Court will appoint a lawyer free of charge from Public Attorney's Office. Persons on trial for very serious offences, will be offered the services of a pro-bono lawyer (free of charge) provided by the Foreign and Commonwealth Office in London, who will work with the local lawyer.

Judicial Process

The justice system in the Philippines is notoriously slow, average trials usually last for several years. A Regional Trial Court judge sits alone decides guilt or innocence and awards the sentence. There is no jury, nor is there an initial appearance before a magistrate.

The trial comprises 4 separate stages:

1. During the arraignment stage, the accused is asked to enter his plea: whether guilty or not guilty. Before arraignment, the court shall inform the accused of his right to counsel and ask him if he desires to have one. Unless the accused is allowed to defend himself in person or has employed counsel of his choice, the court must assign an attorney to the accused free of charge.
2. The pre-trial at which the exhibits to be submitted as evidence are agreed by both prosecution and defence
3. The trial - usually several different cases are heard in the same court on the same day. Only one witness is usually heard and cross examined in a particular case on that day and the trial is then adjourned, sometimes for some weeks, until a date is set for the next

witness to be heard. At the conclusion of both prosecution and defence the lawyers will have a few days to present their closing arguments to the judge in writing

4. The promulgation of the verdict. Usually about 90 days after the defence has rested and presented its closing argument the judge will hand down the verdict and sentence, which will be read out to the defendant in open court.

Interpreters for foreign defendants

Court proceedings are conducted in English. If you wish to appoint a particular interpreter, this will be at your own expense

Sentences

There are 6 local terms for prison sentences:

1. **Arresto Menor** – a prison term from 1 day to 30 days
2. **Arresto Mayor** – a prison term from 1 month and 1 day to 6 months
3. **Prision Correctional** – a prison term 6 months and 1 day to 6 years
4. **Prision Mayor** – a prison term from 6 years and 1 day to 12 years
5. **Reclusion Temporal** – a prison term from 12 years and 1 day to 20 years
6. **Reclusion Perpetua** – a prison term from 20 years and 1 day to 40 years

How can appeals be made?

There is the right of appeal to the Court of Appeal. In very serious cases there is an automatic appeal to the Supreme Court, but it may take several years before the Court delivers its verdict.

What provision is there for early release e.g. on parole?

UK parole rules do not apply in the Philippines

What provision is there for clemency or pardon?

Unless granted Executive Clemency by the President, prisoners are required to serve their full sentence. Executive Clemency is very rare.

The Board of Pardons and Parole may recommend Executive Clemency for a detainee to the President of the Philippines. The Board's recommendation depends on a detainee's conduct whilst in prison, the offence and length of sentence served. A third of the sentence must have been served for the Board to consider a request. Pardons are conditional, whereby a detainee required to leave the Philippines within 30 days and not to return to the Philippines. Drug offences are not eligible for pardon and clemency.

What about any financial penalties?

Fines are imposed on certain crimes.

Is transfer to another prison within the Philippines possible?

Transfer is technically possible, but detention centres throughout the Philippines are under strain and under-resourced. A detainee would have to present a compelling case to move from one over-crowded facility to another.

Is transfer to the UK a possibility?

There is no Prison Transfer Agreement between the UK and the Philippines.

What are the procedures for release and deportation?

Time spent in jail prior to sentencing may count toward completion of a detainee's sentence and in calculating the date of release. When a detainee's end of sentence nears, a detainee may apply for voluntary deportation with the Philippines Bureau of Immigration.

The Bureau of Immigration is the local authority that administers deportation of foreign nationals. Upon release from prison, a detainee is transferred from prison to the immigration detention centre. Deportation costs are not borne by the Philippine government neither by the embassy. Family in the United Kingdom may be called on for help in funding travel costs for a detainee to return home. The embassy can help liaise with the local authorities and support a detainee whilst the deportation is processed.

Prisoners Abroad

Since 1978 the charity Prisoners Abroad has offered practical support and advice to British citizens imprisoned overseas. It is the only UK charity providing this service and it is available to all, whether guilty or innocent, convicted or on remand. Prisoners Abroad is concerned with your health and welfare, both during your imprisonment and also on your return to the UK, through their resettlement service (if you have registered whilst in prison). They can also provide support and advice to your family during your imprisonment. In order to access any services, prisoners must first register with Prisoners Abroad by signing and returning their authorisation form.

Once you seek help from Prisoners Abroad, the Prisoner & Family Support Service will be your point of contact for advice and information. The type of assistance they can offer will vary from country to country, but generally they can provide you with information, in English, on:

- your rights as a prisoner and issues that may affect you such as health or transfer to the UK
- obtaining magazines, newspapers, books and the regular Prisoners Abroad newsletter
- writing to a pen pal
- learning the language of your country of imprisonment
- translation of documents
- grants for food if you are in a developing country and don't have funds from other sources
- grants for essential medicines and toiletries if you don't have funds from other sources
- preparing for release
- help for your loved ones, including information, family support groups and assistance with the cost of visiting

Prisoners Abroad
89 – 93 Fonthill Road London N4 3JH UK

Telephone: 00 44 (0)20 7561 6820 or, for your relatives in the UK, Freephone 0808 172 0098 (Mondays to Fridays 9.30 am to 4.30 pm, UK time)

Email: info@prisonersabroad.org.uk

Website: <http://www.prisonersabroad.org.uk/>

Annexes

Annex 1: List of English-Speaking Lawyers

<https://www.gov.uk/government/publications/philippines-list-of-lawyers>

Annex 2: List of Private Translators/Interpreters

<https://www.gov.uk/government/publications/philippines-list-of-translators-and-interpreters>

Annex 3: FCO leaflet: *In prison abroad*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/584033/In_Prison_Abroad_awareness_130117.pdf

Annex 4: FCO leaflet: *Transfers home for prisoners abroad*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/454211/Annex_4_-_FCO_leaflet_-_transfers_home.pdf

Annex 5: Prisoners Abroad authorisation form

<https://www.prisonersabroad.org.uk/Handlers/Download.ashx?IDMF=4cd7012d-f55d-4e26-8e77-d4c83b90a847>

Annex 6: Prisoners Abroad family contact form

<https://www.prisonersabroad.org.uk/Handlers/Download.ashx?IDMF=d5d65efe-779a-4aae-812b-45a365c01221>

Annex 7: Prisoners Abroad CFF form

<https://www.prisonersabroad.org.uk/Handlers/Download.ashx?IDMF=1794432a-4441-47db-934a-57f7125e1a70>

Annex 8: Fair Trials International questionnaire and leaflets

<https://www.fairtrials.org/>

https://www.fairtrials.org/documents/FTI_QUESTIONNAIRE_March_2012.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/320911/Annex_8_-_FTI_-_Arrested_in_another_country.pdf

Annex 9: Reprieve information

<http://www.reprieve.org.uk/>

Disclaimer

This booklet was compiled by the Consular Section, British Embassy Manila. It is revised on a regular basis

If any of the information contained in this booklet is incorrect, please draw inaccuracies to our attention so that we can make amendments.

The British Embassy in the Philippines is not accountable for the information provided in this booklet. Local proceedings are subject to change at any time.

Thank you.

October 2017