

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 4964

EXPLANATORY NOTE

When the House Bill which was enacted into Republic Act 10592 was filed in the House of Representatives, it was only focused on granting prisoners the fullest benefits of preventive imprisonment. Further, the House Bill made it clear that recidivists, habitual delinquents, escapees and persons charged with heinous crimes are excluded from the coverage of the proposed law.

However, the law, as passed, already included provisions on good conduct which provided very generous terms for prisoners.

While the law is clear, there are some unscrupulous individuals who interpreted the law in a different manner and purposely caused confusion for their own personal gains.

There is also a need to make the process under this Act transparent.

There is a further need for the Secretary of Justice to approve the applications of prisoners meted out the penalty of reclusion perpetua or life imprisonment or high risk inmates.

In view of the foregoing, immediate passage of this measure is earnestly requested.


RUFUS B. RODRIGUEZ

HOUSE OF REPRESENTATIVES

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AN ACT

AMENDING REPUBLIC ACT NO. 10592 ENTITLED "AN ACT AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 1 of Republic Act No. 10592 is hereby amended to read as follows:

Section 1. Article 29 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

"ART. 29. *Period of preventive imprisonment deducted from term of imprisonment.* – Offenders or accused who have undergone preventive imprisonment shall be credited in the service of their sentence consisting of deprivation of liberty, with the full time during which they have undergone preventive imprisonment if the detention prisoner agrees voluntarily in writing after being informed of the effects thereof and with the assistance of counsel to abide by the same disciplinary rules imposed upon convicted prisoners, except in the following cases:

"1. When they are recidivists, or have been convicted previously twice or more times of any crime; and

"2. When upon being summoned for the execution of their sentence they have failed to surrender voluntarily.

"If the detention prisoner does not agree to abide by the same disciplinary rules imposed upon convicted prisoners, he shall do so in writing with the assistance of a counsel and shall be credited in the service of his sentence with four-fifths of the time during which he has undergone preventive imprisonment.

"Credit for preventive imprisonment for the penalty of *reclusion perpetua* shall be deducted from thirty (30) years.

"Whenever an accused has undergone preventive imprisonment for a period equal to the possible maximum imprisonment of the offense charged to which he may be sentenced and his case is not yet terminated, he shall be released immediately without prejudice to the continuation of the trial thereof or the proceeding on appeal, if the same is under review. Computation of preventive imprisonment for purposes of immediate release under this paragraph shall be the actual period of detention with good conduct time allowance: *Provided, however,* That if the accused is absent without justifiable cause at any stage of the trial, the court may *motu proprio* order the rearrest of the accused. [*Provided, finally,* That recidivists, habitual delinquents, escapees and persons charged with heinous crimes are excluded from the coverage of this Act.]

In case the maximum penalty to which the accused may be sentenced

is *destierro*, he shall be released after thirty (30) days of preventive imprisonment."

SECTION 2. Section 3 of Republic Act No. 10592 is hereby amended to read as follows:

Section 3. Article 97 of the same Act is hereby further amended to read as follows:

"ART. 97. *Allowance for good conduct.* — The good conduct of any offender qualified for credit for preventive imprisonment pursuant to Article 29 of this Code, or of any convicted prisoner in any penal institution, rehabilitation or detention center or any other local jail shall entitle him to the following deductions from the period of his sentence:

"1. During the first two years of imprisonment, he shall be allowed a deduction of [twenty] **EIGHT** days for each month of good behavior during detention;

"2. During the third to the fifth year, inclusive, of his imprisonment, he shall be allowed a reduction of [twenty-three] **TEN** days for each month of good behavior during detention;

"3. During the following years until the tenth year, inclusive, of his imprisonment, he shall be allowed a deduction of [twenty-five] **TWELVE** days for each month of good behavior during detention;

"4. During the eleventh and successive years of his imprisonment, he shall be allowed a deduction of [thirty] **FIFTEEN** days for each month of good behavior during detention; and

"5. At any time during the period of imprisonment, he shall be allowed another deduction of fifteen days, in addition to numbers one to four hereof, for each month of study, teaching or mentoring service time rendered.

"An appeal by the accused shall not deprive him of entitlement to the above allowances for good conduct."

SECTION 3. Section 4 of Republic Act No. 10592 is hereby deleted.

~~**Section 4.** Article 98 of the same Act is hereby further amended to read as follows:~~

~~"ART. 98. *Special time allowance for loyalty.* — A deduction of one fifth of the period of his sentence shall be granted to any prisoner who, having evaded his preventive imprisonment or the service of his sentence under the circumstances mentioned in Article 158 of this Code, gives himself up to the authorities within 48 hours following the issuance of a proclamation announcing the passing away of the calamity or catastrophe referred to in said article. A deduction of two-fifths of the period of his sentence shall be granted in case said prisoner chose to stay in the place of his confinement notwithstanding the existence of a calamity or catastrophe enumerated in Article 158 of this Code.~~

~~"This Article shall apply to any prisoner whether undergoing preventive imprisonment or serving sentence."~~

SECTION 4. Section 5 of Republic Act No. 10592 is hereby amended to read as follows:

Section 5. Article 99 of the same Act is hereby further amended to read as follows:"

"ART. 99. *Who grants time allowances.* — Whenever lawfully justified, the Director of the Bureau of Corrections, the Chief of the Bureau of Jail

Management and Penology and/or the Warden of a provincial, district, municipal or city jail shall grant allowances for good conduct. [Such allowances once granted shall not be revoked]. **THE SAID AUTHORITY TO GRANT ALLOWANCES FOR GOOD CONDUCT OR TO RELEASE PRISONERS SHALL NOT APPLY TO PRISONERS/INMATES SENTENCED TO LIFE IMPRISONMENT OR RECLUSION PERPETUA OR HIGH RISK INMATES, WHOSE RELEASE DUE TO EXPIRED SENTENCES SHALL ONLY BE IMPLEMENTED UPON PRIOR APPROVAL OF THE SECRETARY OF JUSTICE.**

SECTION 5. Section 6 of Republic Act No. 10592 is hereby amended to read as follows:

Section 6. Penal Clause. – Faithful compliance with the provisions of this Act is hereby mandated. As such, the penalty of two (2) years imprisonment, a fine of [One hundred thousand pesos (P100,000.00)] **FIVE HUNDRED THOUSAND PESOS (PHP 500,000.00)** and perpetual disqualification to hold office shall be imposed against any public officer or employee [who violates] **FOR EACH VIOLATION OF** the provisions of this Act.

SECTION 6. A new Section 7 is hereby inserted to read as follows:

SECTION 7. RECIDIVISTS, HABITUAL DELINQUENTS, ESCAPEES AND PERSONS CHARGED WITH HEINOUS CRIMES ARE EXCLUDED FROM THE COVERAGE OF THIS ACT. PERSONS DEPRIVED OF LIBERTY WHO ARE GIVEN GOOD CONDUCT ALLOWANCE SHALL FORFEIT THE SAME IF HE/SHE COMMITS ANY CRIME, VIOLATIONS OF PRISON RULES OR ANY MISCONDUCT.

SECTION 7. Publication – The names of persons who apply for the benefits of the provisions of this Act shall be published in two (2) newspapers of general circulation before their application shall be considered. The victim/s' families and the community shall be allowed to file their opposition which shall be seriously taken into consideration in the resolution of the application for the benefits of the provisions of this Act. Further, the decisions on the applications for the benefits of the provisions of this Act shall also be published in two (2) newspapers of general circulation before said decisions shall be implemented.

SECTION 8. A representative of a Non-Government Organization engaged in crime prevention as determined by the Secretary of Justice shall be included as member of the Management, Screening and Evaluation Committee (MSEC) created pursuant to the Implementing Rules and Regulations of Republic Act 10592.

SECTION 9. The provisions/sections of Republic Act No. 10592 are renumbered accordingly.

SECTION 10. Implementing Rules and Regulations. – The Secretary of the Department of Justice (DOJ) and the Secretary of the Department of the Interior and Local Government (DILG) shall within sixty (60) days from the approval of this Act, promulgate rules and regulations on the classification system for good conduct and time allowances, as may be necessary, to implement the provisions of this Act.

SECTION 11. Separability Clause. – If any part hereof is held invalid or unconstitutional, the remainder of the provisions not otherwise affected shall remain valid and subsisting.

SECTION 12. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) new papers of general circulation.

Approved,