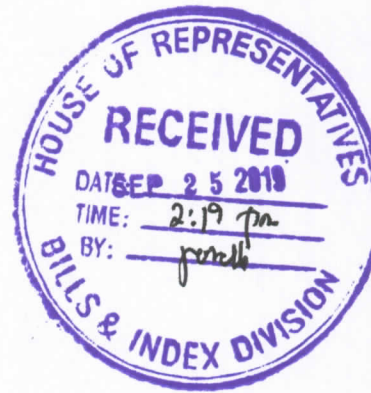


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4822



Introduced by: **REPRESENTATIVE JONATHAN KEITH T. FLORES**

EXPLANATORY NOTE

Good Conduct Time Allowance (GTCA) is defined as the “privilege granted to a Person Deprived of Liberty (PDL), entitling him/her to a reduction of prison term for every month of actual detention or service of sentence as a reward for good conduct and exemplary behavior.” This definition is from the Uniform Manual of Time Allowances and Service of Sentence which was crafted by the Joint DOJ-DILG Committee and was first published on December 1, 2017. This Manual was created pursuant to the enactment of the Republic Act No. 10592 in May 29, 2013 which amended Articles 29, 94, 97, 98 and 99 of the Revised Penal Code (Act No. 3815).

The law recognizes that the judicious use of good time is an immediate and promising way to accelerate inmate release and alleviate prison overcrowding. The accumulation of good time credits can affect time served either by shortening the length of sentence to be served or by advancing the date when inmates become eligible for parole consideration. Good conduct time allowance or GCTA is earned through his demeanor while serving time in the prison system. It is something that is immediately reflected on his prison record as a tentative computation on the timeline of his incarceration. Barring any unfortunate incident, the prisoner deserves his freedom in a period of time, which is not according to the actual calendar date but rather on the legal correctional timetable.

RA 10592 amended the certain provisions in the Revised Penal Code which increased the allowable deduction from the prison sentence to qualified inmates thereby accelerating their prison sentence calendar.

The important amendments under RA 10592, among others, are as follows:

- 1.) It expanded the application of the good conduct time allowance for prisoners even during preventive imprisonment.
- 2.) It increased the number of days that may be credited for good conduct time allowance.
- 3.) It allowed additional deduction of 15 days for each month of study, teaching, or mentoring service.
- 4.) It expanded the special time allowance for loyalty and made it applicable even during preventive imprisonment.

The past weeks however have stirred a great deal of debate on R.A. 10592 particularly in regard to its application to those convicted of heinous crimes. This is largely due to the numerous reports on the alleged impending release of those convicted of heinous crimes and serving multiple life sentences. Case in point is that of Mayor Antonio Sanchez, who was convicted of several counts of Rape and Murder. Questions were raised as to how a felon like Sanchez whose bestial act the Supreme Court described as something "only the unthinking beast can orchestrate" can qualify for release under the law. Questions were also raised as to the "good conduct" of the former Mayor when it has been documented and proven that he was found, on multiple occasions, in possession of large amounts of shabu and marijuana. He was also living luxuriously in prison with the comforts of an air-conditioning unit, flat screen TV and cellphone. Even to this day, he maintains his innocence of the crime for which he was convicted. Thus, the debate as to whether those convicted of heinous crimes are entitled to Good Time Conduct Allowance.

Those favor of release of persons convicted of heinous crimes argue that these people are entitled deduction from their prison sentence their good conduct points. As Section 3 of RA 10592, which amended Article 97 of the Revised Penal Code and provided for an increased computation of allowable deduction for good conduct does not mention anything about persons convicted of heinous crimes, it is argued that its application should benefit all offenders including those convicted of heinous crimes.

This interpretation of the application of the Allowance for Good is **NOT** correct. A cursory reading of Section 3 would readily reveal that the exclusion contained in Section 1 of RA 10592 is carried in the application of the GCTA. The first line of Section 3 reads "The good conduct of any offender **qualified** for credit for preventive imprisonment pursuant to Article 29 of this Code..." There is no ambiguity here as this means that an offender who is qualified for credit for preventive imprisonment under Article 29 (Section 1) is also qualified to avail of the increased computation for GCTA. By necessary implication, those who are NOT qualified to avail of credit for preventive suspension i.e. those "recidivists, habitual delinquents, escapees and persons charged with heinous crimes are excluded" and therefore **NOT QUALIFIED** to avail of the allowance of good time. As stated, this provision is clearly unambiguous and does not need any further interpretation.

At any rate, and in order to remove any doubt as to the disqualification of recidivists, habitual delinquents, escapees and persons charged with heinous crimes to avail of Good Conduct Time Allowance, this bill seeks to amend further Article 97 of the Revised Penal Code so that the exclusion and disqualification of persons convicted of heinous crimes shall become explicit.

Accordingly, support for this bill is highly encouraged.

JONATHAN KEITH T. FLORES

A large, stylized handwritten signature in black ink, consisting of a large loop and a crossbar, positioned below the printed name.

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HOUSE BILL NO. 4822

Introduced by REPRESENTATIVE JONATHAN KEITH T. FLORES

AN ACT
FURTHER AMENDING ARTICLE 97 OF THE REVISED PENAL CODE TO EXCLUDE
PERSONS CONVICTED OF HEINOUS CRIMES FROM THE APPLICATION OF
GOOD CONDUCT TIME ALLOWANCE

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

SECTION 1. Article 94 of the Revised Penal Code is hereby amended to read as follows:

“Art. 94. Partial Extinction of Criminal Liability. – Criminal liability is extinguished partially:

1. By conditional pardon;
2. By commutation of the sentence; and
3. For good conduct allowances which the culprit may earn while serving his sentence **PROVIDED THAT HE IS NOT A RECIDIVIST, A HABITUAL DELIQUENT, AN ESCAPEE AND/OR A PERSONS CHARGED WITH HEINOUS CRIMES.”**

Section 2. Article 97 of the same Act is hereby further amended to read as follows:

"ART. 97. *Allowance for good conduct.* – **UNLESS OTHERWISE EXCLUDED UNDER ARTICLE 94 OF THIS CODE**, 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 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 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 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 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. Article 99 of the Revised Penal Code is 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
**NO RELEASE ORDER ON THE BASIS OF ANY COMMUTED SENTENCE
SHALL BE VALID UNLESS APPROVED BY THE PRESIDENT BASED
UPON THE RECOMMENDATION OF THE DIRECTOR OF BUREAU OF
CORRECTIONS OR THE CHIEF OF THE BUREAU OF JAIL
MANAGEMENT AND PENOLOGY.**

Section 4. *Penal Clause.* – The penalty of one (1) year imprisonment, a fine of One hundred thousand pesos (P100,000.00) and perpetual disqualification to hold office shall be imposed against any public officer or employee who violates the provisions of this Act.

Section 5. *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 6. *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 7. *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 8. *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,