



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. **4553**



Introduced by **HON. VICENTE S.E. VELOSO III**

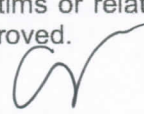
EXPLANATORY NOTE

Act No. 3815 or the Revised Penal Code (RPC) was approved in October 12, 1930 at which time the country was still under American colonization. Since its approval, it has undergone several amendments. One of the recent amendments is 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" approved on May 29, 2013 under President Benigno S.E. Aquino III's administration.

Due to the amendment, more than 2,000 convicts of heinous crimes have been released following the Supreme Court Decision in G.R. No. 212719 dated June 25, 2019, including former Calauan Mayor Antonio Sanchez' (Mayor Sanchez). Due to this, the issue of service of sentence and the 40-year limit set out in Article 70 of the Revised Penal Code (RPC) has surfaced.

In the case of convicts of heinous crimes sentenced with nine (9) *reclusion perpetua*, even after applying the threefold rule under Article 70 of the RPC, the convict will only be made to serve 40 years of imprisonment – no distinction with those convicted of one (1) count of murder to serve only one (1) *reclusion perpetua* sentence. It is as if there is simultaneous service of sentences when the provision of the law mandates "successive service" of sentences.

To prevent the blatant travesty of the justice system and to ensure that justice is served by the accused and achieved by the victims or relatives of the victims, repeal of 5th paragraph of Article 70 should be approved.


VICENTE S.E. VELOSO III
Representative, 3rd District of Leyte



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**AN ACT AMENDING ARTICLE 70 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:*

1 **SECTION 1.** Article 70 of Act No. 3815, as amended, otherwise known as
2 the Revised Penal Code, is hereby further amended to read as follows:

3 “Art. 70. *Successive service of sentences.* – When the
4 culprit has to serve two or more penalties, he shall serve them
5 simultaneously if the nature of the penalties will so permit
6 otherwise, the following rules shall be observed:

7 In the imposition of the penalties, the order of their
8 respective severity shall be followed so that they may be
9 executed successively or as nearly as may be possible,
10 should a pardon have been granted as to the penalty or
11 penalties first imposed, or should they have been served out.

12 For the purpose of applying the provisions of the next
13 preceding paragraph the respective severity of the penalties
14 shall be determined in accordance with the following scale:

- 15 1. Death,
16 2. Reclusion perpetua,
17 3. Reclusion temporal,
18 4. Prision mayor,
19 5. Prision correccional,

- 1 6. Arresto mayor,
2 7. Arresto menor,
3 8. Destierro,
4 9. Perpetual absolute disqualification,
5 10 Temporal absolute disqualification.
6 11. Suspension from public office, the right to vote and
7 be voted for, the right to follow a profession or calling, and
8 12. Public censure.

9 Notwithstanding the provisions of the rule next
10 preceding, the maximum duration of the convict's sentence
11 shall not be more than three-fold the length of time
12 corresponding to the most severe of the penalties imposed
13 upon him. No other penalty to which he may be liable shall be
14 inflicted after the sum total of those imposed equals the same
15 maximum period.

16 ~~[Such maximum period shall in no case exceed~~
17 ~~forty years.]~~

18 In applying the provisions of this rule, the duration of
19 perpetual penalties (*pena perpetua*) shall be computed at
20 thirty years. (*As amended by Com. Act No. 217*)"

21 **SECTION 2. Effectivity Clause.** – This Act shall take effect fifteen (15) days
22 after its complete publication in the *Official Gazette* or in two (2) newspapers of
23 general circulation.

24 *Approved,*