

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

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 4715



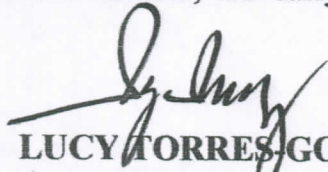
Introduced by Honorable Lucy Torres-Gomez

EXPLANATORY NOTE

There are times when laws, motivated by good intentions, have been implemented or interpreted contrary to their spirit. Such is what has obtained under Republic Act No. 10592, or the Good Conduct Time Allowance (GCTA) Act. Impelled by the reformatory or rehabilitative spirit of the modern penal system, rather than by its purely punitive nature, the GCTA Law sought to increase the time allowances granted to persons deprived of liberty (PDLs) on the basis of their good conduct while in prison. However, unscrupulous implementors of the law, spurred possibly by pecuniary considerations, have interpreted and/or implemented grotesquely the said law to such an extent as to defeat the very purpose of our correctional system. Hence, the hard work or efforts of the other pillars of our justice system – the community, the police, the prosecution, and the courts - have been rendered for naught by corruption that gnaws at the very sinews and tendons of our corrections system.

It is therefore now timely to amend the GCTA Law, in order to put a stop to whatever grave abuse of discretion in the implementation of an otherwise nobly-inspired statute. Amendment, and not repeal, is the preferred mode, inasmuch as there are still genuinely repentant prisoners who yearn for a second chance to join the mainstream of civilized society.

In view of all the foregoing considerations, the early approval of this bill is earnestly requested.


LUCY TORRES-GOMEZ
Representative
Fourth District of Leyte

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AN ACT
FURTHER AMENDING ARTICLES 29, 97, 98 AND 99 OF ACT
NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE
REVISED PENAL CODE

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

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:

"Article 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 THEY ARE HABITUAL DELINQUENTS;

3. WHEN THEY ARE EXCAPEES;

**4. WHEN THEY HAVE BEEN CHARGED WITH AND
CONVICTED OF HEINOUS CRIMES; AND**

[2.] 5. 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.”

“INMATES WHO HAVE VIOLATED PRISON RULES OR HAVE COMMITTED OFFENSES WHILE INSIDE THE JAIL WILL HAVE PARTIAL OR FULL FORFEITURE OF GRANTED GOOD CONDUCT TIME ALLOWANCE (GCTA).

“FOR PURPOSES OF THIS PROVISION, HEINOUS CRIMES SHALL INCLUDE THE FOLLOWING OFFENSES:

- 1. TREASON;**
- 2. PIRACY IN GENERAL AND MUTINY ON THE HIGH SEAS OR IN PHILIPPINE WATERS;**
- 3. QUALIFIED PIRACY;**
- 4. QUALIFIED BRIBERY;**
- 5. PARRICIDE;**
- 6. MURDER;**
- 7. INFANTICIDE;**
- 8. KIDNAPPING AND SERIOUS ILLEGAL DETENTION;**
- 9. ROBBERY WITH VIOLENCE AGAINST OR INTIMIDATION OF PERSONS;**
- 10. DESTRUCTIVE ARSON;**
- 11. RAPE;**
- 12. PLUNDER;**
- 13. THE FOLLOWING VIOLATIONS OF REPUBLIC ACT NO. 9165, WHERE THE SAME IS PUNISHABLE BY RECLUSION PERPETUA TO DEATH:**
 - a. IMPORTATION OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS;**

b. SALE, TRADING, ADMINISTRATION, DISPENSATION, DELIVERY, DISTRIBUTION AND TRANSPORTATION OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS;

c. MAINTENANCE OF A DEN, DIVE OR RESORT;

d. MANUFACTURE OF DANGEROUS DRUGS AND/OR CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS;

e. POSSESSION OF DANGEROUS DRUGS;

f. CULTIVATION OR CULTURE OF PLANTS CLASSIFIED AS DANGEROUS DRUGS OR ARE SOURCES THEREOF

g. UNLAWFUL PRESCRIPTION OF DANGEROUS DRUGS;

h. MISAPPROPRIATION, MISAPPLICATION OR FAILURE TO ACCOUNT FOR THE CONFISCATED, SEIZED AND/OR SURRENDERED DANGEROUS DRUGS, PLANT SOURCES OF DANGEROUS DRUG CONTROLLED PRECURSORS AND ESSENTIAL CHEMICALS, INSTRUMENTS/PARAPHERNALIA AND/OR LABORATORY EQUIPMENT INCLUDING THE PROCEEDS OR PROPERTIES OBTAINED FROM THE UNLAWFUL ACT COMMITTED BY A PUBLIC OFFICER OR EMPLOYEE; OR

i. PLANTING OF EVIDENCE;

14. CARNAPPING."

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

“Article 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 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.

"THIS PROVISION SHALL NOT BE APPLICABLE TO RECIDIVISTS, HABITUAL DELINQUENTS, ESCAPEES, OR THOSE WHO ARE CHARGED WITH AND CONVICTED OF HEINOUS CRIMES AS DEFINED UNDER ARTICLE 29 OF ACT NO. 3815."

SEC. 3. Article 98 of the same Act is further amended to read as follows:

"Article 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.

"THIS PROVISION SHALL NOT BE APPLICABLE TO RECIDIVISTS, HABITUAL DELINQUENTS, ESCAPEES, OR THOSE WHO ARE CHARGED WITH AND CONVICTED OF HEINOUS CRIMES AS DEFINED UNDER ARTICLE 29 OF ACT NO. 3815.

SEC. 4. Article 99 of the same Act is further amended to read as follows:

*"Article 99. Who grants time allowances; **MANDATORY REVIEW; TRANSPARENCY.** - 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.]

“ANY GRANT OF ALLOWANCES UNDER ACT NO. 3815 AND OTHER PENAL LAWS SHALL BE SUBJECT TO MANDATORY REVIEW BY THE SECRETARY OF THE DEPARTMENT OF JUSTICE.

“THE BUREAU OF CORRECTIONS SHALL PUBLISH ANNUALLY THE LIST OF ALL PRISONERS WHO HAVE BEEN RELEASED BY VIRTUE OF THE GRANT OF ALLOWANCES UNDER ACT NO. 3815 AND OTHER PENAL LAWS.

“THE BUREAU OF CORRECTIONS SHALL NOTIFY THE CONCERNED VICTIMS AND THEIR FAMILIES IF A PRISONER HAS QUALIFIED FOR GOOD CONDUCT TIME ALLOWANCE.

“THE BUREAU OF CORRECTIONS SHALL SUBMIT TO CONGRESS, ANNUALLY, A REPORT ON ALL PRISONERS WHO HAVE BEEN RELEASED BY VIRTUE OF THE GRANT OF ALLOWANCES UNDER ACT NO. 3815 AND OTHER PENAL LAWS.”

SEC. 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 necessary for the proper implementation of the provisions of this Act.

SEC. 6. *Prospective Application.* - This Act and its effects shall apply prospectively.

SEC. 7. *Separability Clause.* - If any part hereof is held invalid or unconstitutional, the remainder of the provisions not otherwise affected shall remain valid and subsisting.

Sec. 8. *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.

SEC. 9. *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,