



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS

First Regular Session

4628

House Bill No. _____



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

EXPLANATORY NOTE

Act No. 3815 or the Revised Penal Code was approved on October 12, 1930 when the country was still under the American rule. Since its approval, it has undergone 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, otherwise known as the Revised Penal Code*", which was approved on May 29, 2013 under the administration of then President Benigno S.E. Aquino III.

The intention of the amendment was to serve what is right and just. The amendment increased for qualified inmates the benefits of Good Conduct Time Allowance (GCTA), Time Allowance for Study, Teaching and Mentoring (TASTM), AND Special Time Allowance for Loyalty (STAL). Relatedly, the Supreme Court (SC) on June 25, 2019, in its decision in G.R. No. 212719, declared invalid Section 4, Rule 1 of the Implementing Rules and Regulations (IRR) of RA 10592 insofar as the IRR provided for prospective application of the GCTA, TASTM, and STAL, and called for the application of Article 22 of the Revised Penal Code on the retroactive effect of penal laws.

Due to the erroneous application of the amendment, and in light of the SC ruling, more than 2,000 convicts of heinous crimes, including former Calauan Mayor Antonio Sanchez, have been released from prison.

The State is under obligation to ensure that convicted felons fully serve their sentence. This representation proposes to exclude from the benefits of rehabilitative and restorative justice escapees, recidivists and habitual delinquents of grave felonies, and persons convicted twice or more times of a crime punishable by *reclusion perpetua*. Thus, a person twice convicted of a petty crime of theft for stealing canned goods for the first time, and clothing for the second time, should not be excluded from the benefit of Good Conduct Time Allowance even if the person is a recidivist.

In view of the foregoing, passage of this bill is earnestly sought.


VICENTE S.E. VELOSO III



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House Bill No. **4628**

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

**AN ACT RATIONALIZING THE GRANT OF GOOD CONDUCT
ALLOWANCES, AMENDING FOR THE PURPOSE ARTICLES 29, 97 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:*

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

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

12 1. When they [~~are recidivists, or~~] have been convicted
13 previously twice or more of any crime[~~;~~ ~~and~~] **PUNISHABLE BY**
14 **RECLUSION PERPETUA;**

15 2. When upon being summoned for the execution of their
16 sentence they have failed to surrender voluntarily[~~;~~]; **AND**

17 **3. WHEN THEY ARE ESCAPEES, RECIDIVISTS OR**
18 **HABITUAL DELINQUENTS OF GRAVE FELONIES AS**
19 **DEFINED UNDER ARTICLE 9 OF THIS CODE.**

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

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

8 Whenever an accused has undergone preventive imprisonment
9 for a period equal to the possible maximum imprisonment of the
10 offense charged to which he may be sentenced and his case is not yet
11 terminated, he shall be released immediately without prejudice to the
12 continuation of the trial thereof or the proceeding on appeal, if the
13 same is under review.

14 Computation of preventive imprisonment for purposes of
15 immediate release under this paragraph shall be the actual period of
16 detention with good conduct time allowance: *Provided,*
17 *however,* That if the accused is absent without justifiable cause at any
18 stage of the trial, the court may *motuproprio* order the re-arrest of the
19 accused. ~~[*Provided, finally,* That recidivists, habitual delinquents,~~
20 ~~escapees and persons charged with heinous crimes are excluded from~~
21 ~~the coverage of this Act.]~~

22 In case the maximum penalty to which the accused may be
23 sentenced is *destierro*, he shall be released after thirty (30) days of
24 preventive imprisonment."

25 SEC.2. Article 97 of Act No. 3815, as amended, otherwise known as the
26 Revised Penal Code, is hereby further amended to read as follows:

27 "Art. 97. *Allowance for good conduct.* —**UNLESS THE**
28 **OFFENDER IS AN ESCAPEE, A RECIDIVIST OR**
29 **HABITUAL DELINQUENT OF GRAVE FELONIES AS**
30 **DEFINED IN ARTICLE 9 OF THIS ACT, [The]HIS** good
31 conduct ~~[of any offender qualified for credit for preventive~~
32 ~~imprisonment pursuant to Article 29 of this Code, or of any~~
33 ~~convicted prisoner in any penal institution, rehabilitation or detention~~
34 ~~center or any other local jail]~~ shall entitle him to the following
35 deductions from the period of his sentence:

36 1. During the first two years of imprisonment, he shall be allowed a
37 deduction of ~~[twenty]~~**FIVE (5)** days for each month of good behavior
38 during detention;

39 2. During the third to the fifth year, inclusive, of his imprisonment,
40 he shall be allowed a deduction of ~~[twenty-three]~~**TEN (10)** days for
41 each month of good behavior during detention;

42 3. During the following years until the tenth year, inclusive, of his
43 imprisonment, he shall be allowed a deduction of ~~[twenty-~~

1 ~~five~~**FIFTEEN (15)** days for each month of good behavior during
2 detention;

3 4. During the eleventh and successive years of his imprisonment, he
4 shall be allowed a deduction of ~~[thirty days]~~**TWENTY (20)** days for
5 each month of good behavior during detention; and

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

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

12 SEC.3. Article 99 of Act No. 3815, as amended, otherwise known as the
13 Revised Penal Code, is hereby further amended to read as follows:

14 “Art. 99. *Who grants time allowances.* —~~[Whenever lawfully~~
15 ~~justified,]~~**THE COURT THAT RENDERED JUDGMENT IN**
16 **THE CRIMINAL CASE,** upon recommendation of the Director of
17 the Bureau of Corrections, Chief of the Bureau of Jail Management
18 and Penology and/or the Warden of a provincial, district, municipal
19 or city jail shall grant allowances for good conduct.**UNLESS**
20 **UNLAWFULLY GRANTED,** [S]such allowances, once granted
21 shall not be revoked.

22 SEC. 4.-Withinninety (90) days after the effectivity of this Act, the Supreme
23 Court shall promulgate the rules and regulations necessary to implement the
24 provisions of this Act.

25 SEC. 5.- If any part hereof is held invalid or unconstitutional, the remainder of
26 the provisions not otherwise effected shall remain valid and subsisting.

27
28 SEC. 6.- Any law, presidential decree or issuance, executive order, letter of
29 instruction, administrative order, rule or regulation contrary to or inconsistent with the
30 provisions of this Act is hereby repealed, modified, or amended accordingly.

31 SEC.7.-This Act shall take effect fifteen (15) days after its complete
32 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

33 *Approved,*