

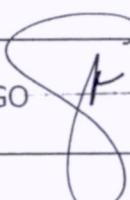
EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S. B. No. 1003

19 SEP -3 A11 :48

INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO 

AN ACT

**AMENDING ARTICLES 29, 97, 98, AND 99 OF ACT NO. 3815, OTHERWISE
KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Republic Act No. 10592, enacted during the 15th Congress, has recently been made the subject of differing interpretations due to the formulation of the wording of its provisions. As a consequence, prisoners, including recidivists, habitual delinquents, escapees, and persons charged with heinous crimes, were granted allowances under Articles 29, 97, and 98 of the Revised Penal Code, as amended.

It has recently become known to the public that under the law and its implementing rules and regulations, a number of criminals convicted of heinous crimes have been released. This has caused outrage and anger among the public. This outrage is shared by no less than the President of the Philippines whose hard stance against criminality has been well documented and well known to the public.

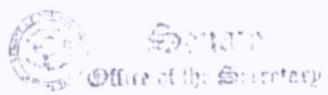
This representation has, time and again, emphasized the importance of eliminating criminality. It is one of the ways by which the country can achieve true progress that is actually felt by the people. In order to achieve this goal, the government's hard-line stance against criminality must be exhibited not only through police operations and similar activities, but even in dealing with criminals convicted of committing crimes which demonstrate deep depravity and vicious tendencies.

There must be no doubt left in the depraved minds of these criminals that no silver lining can be had once they cross the line and choose to commit heinous crimes. True deterrence can be achieved only if our laws exhibit the same rigidness which our leaders display.

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


SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

EIGHTEENTH CONGRESS OF THE)
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Senate Bill No. 1003

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INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO *[Signature]*

**AN ACT
AMENDING ARTICLES 29, 97, 98, AND 99 OF ACT NO. 3815, OTHERWISE
KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES**

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

1 WHEREAS, in 2013, the Fifteenth Congress of the Republic of the Philippines
2 enacted Republic Act No. 10592, which amended, among others, Articles 29, 97, 98, and
3 99 of Act No. 3815, otherwise known as the Revised Penal Code;

4
5 WHEREAS, in 2014, pursuant to Section 7 of Republic Act No. 10592, the Secretary
6 of the Department of Justice and the Secretary of the Department of Interior and Local
7 Government issued the Implementing Rules and Regulations of Republic Act No. 10592;

8
9 WHEREAS, such Implementing Rules and Regulations did not categorically state
10 that recidivists, habitual delinquents, escapees, and persons charged with heinous crimes
11 are excluded from the benefits under Republic Act No. 10592;

12
13 WHEREAS, notwithstanding the ambiguity in the law and its implementing rules,
14 the Bureau of Corrections interpreted both Republic Act No. 10592 and its Implementing
15 Rules and Regulations to mean, among others, that recidivists, habitual delinquents,
16 escapees, and persons charged with heinous crimes are eligible to be granted allowances

1 under Articles 29, 97 and 98 of the Revised Penal Code, as amended by Republic Act No.
2 10592;

3
4 WHEREAS, because of such interpretation by the Bureau of Corrections, prisoners,
5 including recidivists, habitual delinquents, escapees, and persons charged with heinous
6 crimes, were granted allowances under Articles 29, 97, and 98 of the Revised Penal Code,
7 as amended by Republic Act No. 10592;

8
9 WHEREAS, because of grants of allowances, 2159 prisoners who were convicted
10 of heinous crimes were released by the Bureau of Corrections;

11
12 WHEREAS, the release of such prisoners had the effect of diluting the gravity of
13 the offenses they have committed; and

14
15 WHEREAS, Articles 29, 97, and 98 of the Revised Penal Code should be amended
16 further to clearly state the intent and policy of the law not to extend the benefits of time
17 allowances to prisoners who are recidivists, habitual delinquents, escapees, as well as to
18 those who are charged with and convicted of heinous crimes;

19
20 WHEREAS, in recognition of the fact that the governmental institutions, including
21 the Bureau of Corrections and the Bureau of Jail Management and Penology, are not
22 infallible, there is a need to provide for a mechanism for mandatory review of the grants
23 of time allowances to prisoners;

24
25 Now, therefore,

26
27 Section 1. Article 29 of Act No. 3815, otherwise known as the "Revised Penal
28 Code," is further amended to read as follows:

29

1 "Article 29. *Period of preventive imprisonment*
2 *deducted from term of imprisonment.* – Offenders or accused
3 who have undergone preventive imprisonment, **EXCEPT**
4 **THOSE WHO ARE RECIDIVISTS, HABITUAL**
5 **DELINQUENTS, ESCAPEES OR THOSE WHO ARE**
6 **CHARGED WITH AND CONVICTED OF HEINOUS**
7 **CRIMES,** shall be credited in the service of their sentence
8 consisting of deprivation of liberty, with the full time during
9 which they have undergone preventive imprisonment if the
10 detention prisoner agrees voluntarily in writing after being
11 informed of the effects thereof and with the assistance of
12 counsel to abide by the same disciplinary rules imposed upon
13 convicted prisoners, except [in the following cases:
14

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

17
18 2. When] **WHEN THE OFFENDER OR ACCUSED,**
19 upon being summoned for the execution of their sentence,
20 they have failed to surrender voluntarily.

21
22 "If the detention prisoner does not agree to abide by
23 the same disciplinary rules imposed upon convicted prisoners,
24 he shall do so in writing with the assistance of a counsel and
25 shall be credited in the service of his sentence with four-fifths
26 of the time during which he has undergone preventive
27 imprisonment.

28
29 "Credit for preventive imprisonment for the penalty of
30 reclusion perpetua shall be deducted from thirty (30) years.

1
2 "Whenever an accused has undergone preventive
3 imprisonment for a period equal to the possible maximum
4 imprisonment of the offense charged to which he may be
5 sentenced and his case is not yet terminated, he shall be
6 released immediately without prejudice to the continuation of
7 the trial thereof or the proceeding on appeal, if the same is
8 under review[. Computation of preventive imprisonment for
9 purposes of immediate release under this paragraph shall be
10 the actual period of detention with good conduct time
11 allowance.]; Provided, [however,] That if the accused is
12 absent without justifiable cause at any stage of the trial, the
13 court may *motu proprio* order the rearrest of the accused[.].
14

15 **"IN CASE THE MAXIMUM PENALTY TO WHICH
16 THE ACCUSED MAY BE SENTENCED IS DESTIERRO, HE
17 SHALL BE RELEASED AFTER THIRTY (30) DAYS OF
18 PREVENTIVE IMPRISONMENT, PROVIDED HE IS
19 ELIGIBLE UNDER THE FIRST PARAGRAPH OF THIS
20 PROVISION.**

21
22 **"COMPUTATION OF THE PERIOD OF
23 PREVENTIVE IMPRISONMENT FOR PURPOSES OF
24 IMMEDIATE RELEASE UNDER THE FOREGOING
25 PARAGRAPHS SHALL BE THE ACTUAL PERIOD OF
26 DETENTION WITH ANY APPLICABLE TIME
27 ALLOWANCES; [Provided, finally, That recidivists, habitual
28 delinquents, escapees and persons charged with heinous
29 crimes are excluded from the coverage of this Act]
30 PROVIDED, THAT IN THE CASE OF RECIDIVISTS,**

1 **HABITUAL DELINQUENTS, ESCAPEES, OR THOSE WHO**
2 **ARE CHARGED WITH AND CONVICTED OF HEINOUS**
3 **CRIMES, THE COMPUTATION SHALL BE THE ACTUAL**
4 **PERIOD OF DETENTION ONLY.**

5
6 [In case the maximum penalty to which the accused
7 may be sentenced is *destierro*, he shall be released after thirty
8 (30) days of preventive imprisonment.]

9
10 **"FOR PURPOSES OF THIS PROVISION, HEINOUS**
11 **CRIMES SHALL INCLUDE THE FOLLOWING OFFENSES:**

- 12 1. **TREASON;**
13
14 2. **PIRACY IN GENERAL AND MUTINY ON**
15 **THE HIGH SEAS OR IN PHILIPPINE WATERS;**
16
17 3. **QUALIFIED PIRACY;**
18
19 4. **QUALIFIED BRIBERY;**
20
21 5. **PARRICIDE;**
22
23 6. **MURDER;**
24
25 7. **INFANTICIDE;**
26
27 8. **KIDNAPPING AND SERIOUS ILLEGAL**
28 **DETENTION;**
29
30

**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 OR 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:

1
2 e. POSSESSION OF DANGEROUS DRUGS;

3
4 f. CULTIVATION OR CULTURE OF
5 PLANTS CLASSIFIED AS DANGEROUS DRUGS OR
6 ARE SOURCES THEREOF;

7
8 g. UNLAWFUL PRESCRIPTION OF
9 DANGEROUS DRUGS;

10
11 h. MISAPPROPRIATION,
12 MISAPPLICATION OR FAILURE TO ACCOUNT
13 FOR THE CONFISCATED, SEIZED AND/OR
14 SURRENDERED DANGEROUS DRUGS, PLANT
15 SOURCES OF DANGEROUS DRUGS,
16 CONTROLLED PRECURSORS AND ESSENTIAL
17 CHEMICALS, INSTRUMENTS/PARAPHERNALIA
18 AND/OR LABORATORY EQUIPMENT INCLUDING
19 THE PROCEEDS OR PROPERTIES OBTAINED
20 FROM THE UNLAWFUL ACT COMMITTED BY A
21 PUBLIC OFFICER OR EMPLOYEE; OR

22
23 i. PLANTING OF EVIDENCE;

24
25 **14. CARNAPPING."**

26
27 Sec. 2. Article 97 of Act No. 3815, otherwise known as the "Revised Penal Code,"
28 is further amended to read as follows:

1 “Article 97. *Allowance for good conduct.* – The good
2 conduct of any offender qualified for credit for preventive
3 imprisonment pursuant to Article 29 of this [Code] **ACT**, or of
4 any convicted prisoner in any penal institution, rehabilitation
5 or detention center or any other local jail shall entitle him to
6 the following deductions from the period of his sentence:

7 “1. During the first two years of imprisonment, he shall
8 be allowed a deduction of twenty days for each month of good
9 behavior during detention;

10 “2. During the third to the fifth year, inclusive, of his
11 imprisonment, he shall be allowed a reduction of twenty-three
12 days for each month of good behavior during detention;

13 “3. During the following years until the tenth year,
14 inclusive, of his imprisonment, he shall be allowed a deduction
15 of twenty-five days for each month of good behavior during
16 detention;

17 “4. During the eleventh and successive years of his
18 imprisonment, he shall be allowed a deduction of thirty days
19 for each month of good behavior during detention; and

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

1 "An appeal by the accused shall not deprive him of
2 entitlement to the above allowances for good conduct.
3

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

9

10 Sec. 3. Article 98 of Act No. 3815, otherwise known as the "Revised Penal Code,"
11 is further amended to read as follows:

12

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

25

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

28

29 **"THIS PROVISION SHALL NOT BE APPLICABLE**
30 **TO RECIDIVISTS, HABITUAL DELINQUENTS,**

1 **ESCAPEES, OR THOSE WHO ARE CHARGED WITH AND**
2 **CONVICTED OF HEINOUS CRIMES AS DEFINED UNDER**
3 **ARTICLE 29 OF ACT NO. 3815."**

4
5 Sec. 4. Article 99 of Act No. 3815, otherwise known as the "Revised Penal Code,"
6 is further amended to read as follows:

7
8 "Article 99. Who grants time allowances;
9 **MANDATORY REVIEW; TRANSPARENCY.** – Whenever
10 lawfully justified, the Director of the Bureau of Corrections,
11 the Chief of the Bureau of Jail Management and Penology
12 and/or the Warden of a provincial, district, municipal or city
13 jail shall grant allowances for good conduct. [Such allowances
14 once granted shall not be revoked.]

15
16 **"ANY GRANT OF ALLOWANCES UNDER ACT NO.**
17 **3815 AND OTHER PENAL LAWS SHALL BE SUBJECT TO**
18 **MANDATORY REVIEW BY THE SECRETARY OF THE**
19 **DEPARTMENT OF JUSTICE.**

20
21 **"THE BUREAU OF CORRECTIONS SHALL**
22 **BIANNUALLY PUBLISH THE LIST OF ALL PRISONERS**
23 **WHO HAVE BEEN RELEASED BY VIRTUE OF THE**
24 **GRANT OF ALLOWANCES UNDER ACT NO. 3815 AND**
25 **OTHER PENAL LAWS.**

26
27 **"THE BUREAU OF CORRECTIONS SHALL**
28 **BIANNUALLY SUBMIT TO CONGRESS A REPORT ON**
29 **ALL PRISONERS WHO HAVE BEEN RELEASED BY**

1 **VIRTUE OF THE GRANT OF ALLOWANCES UNDER ACT**
2 **NO. 3815 AND OTHER PENAL LAWS."**

3
4 Sec. 5. *Implementing Rules and Regulations.* – The Secretary of the Department
5 of Justice (DOJ) and the Secretary of the Department of the Interior and Local
6 Government (DILG) shall within sixty (60) days from the approval of this Act, promulgate
7 rules and regulations necessary for the proper implementation of the provisions of this
8 Act.

9
10 Sec. 6. *Prospective Application.* – This Act and its effects shall apply prospectively.

11
12 Sec. 7. *Separability Clause.* – If any part hereof is held invalid or unconstitutional,
13 the remainder of the provisions not otherwise affected shall remain valid and subsisting.

14
15 Sec. 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive
16 order, letter of instruction, administrative order, rule or regulation contrary to or
17 inconsistent with the provisions of this Act is hereby repealed, modified or amended
18 accordingly.

19
20 Sec. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its
21 publication in the Official Gazette or in at least two (2) new papers of general circulation.

Approved,