



HOUSE OF REPRESENTATIVES

H. No. 417

BY REPRESENTATIVES ANGARA, RODRIGUEZ (R.), DE JESUS, PAEZ, AGGABAO,
ORTEGA (F.), GULLAS, ONG AND PRIMICIAS-AGABAS

AN ACT GIVING OFFENDERS THE FULLEST BENEFIT OF
PREVENTIVE IMPRISONMENT, AMENDING FOR THE
PURPOSE ARTICLE 29 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, Chapter Three, Title 3, Book 1 of Act
2 No. 3815, as amended, otherwise known as the Revised Penal Code of the
3 Philippines, is hereby further amended to read as follows:

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

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

3 “2. When upon being summoned for the execution of their
4 sentence they have failed to *surrender voluntarily*.

5 “If the detention prisoner does not agree to abide by the
6 same disciplinary rules imposed upon convicted prisoners, he shall
7 **DO SO IN WRITING AND SHALL** be credited in the service of his
8 sentence with four-fifths of the time during which he has undergone
9 preventive imprisonment.

10 “Whenever an accused has undergone preventive
11 imprisonment for a period equal to [or more than] the possible
12 [maximum] **MINIMUM** imprisonment of the offense charged to
13 which he may be sentenced and his case is not yet terminated, he
14 shall be released immediately without prejudice to the continuation
15 of the trial thereof or the proceeding on appeal, if the same is under
16 review. **COMPUTATION OF PREVENTIVE IMPRISONMENT FOR**
17 **PURPOSES OF IMMEDIATE RELEASE UNDER THIS PARAGRAPH**
18 **SHALL BE THE ACTUAL PERIODS OF DETENTION WITH GOOD**
19 **CONDUCT TIME ALLOWANCE: PROVIDED, HOWEVER, THAT IF**
20 **THE ACCUSED IS ABSENT WITHOUT JUSTIFIABLE CAUSE AT ANY**
21 **STAGE OF THE TRIAL, THE COURT MAY MOTU PROPRIO ORDER**
22 **THE RE-ARREST OF THE ACCUSED: PROVIDED, FINALLY, THAT**
23 **RECIDIVISTS, HABITUAL DELINQUENTS, ESCAPEES AND PERSONS**
24 **CHARGED WITH HEINOUS CRIMES ARE EXCLUDED FROM THE**
25 **COVERAGE OF THIS ACT.** In case the maximum penalty to which
26 the accused may be sentenced is *destierro*, he shall be released
27 after thirty (30) days of preventive imprisonment.

1 “CREDIT FOR PREVENTIVE IMPRISONMENT FOR THE
2 PENALTY OF *RECLUSION PERPETUA* SHALL BE DEDUCTED FROM
3 THIRTY (30) YEARS.”

4 SEC. 2. *Repealing Clause.* – All laws, presidential decrees, letters of
5 instruction, executive orders, rules and regulations, insofar as they are
6 inconsistent with this Act, are hereby repealed or amended accordingly.

7 SEC. 3. *Effectivity Clause.* – This Act shall take effect fifteen (15)
8 days after its publication in two (2) newspapers of general circulation.

 Approved,

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