

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

THIRD

SENATE

COMMITTEE REPORT NO. 559

Submitted jointly by the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws on AUG 24 2009

Re: Senate Bill No. 3400

Recommending its approval in substitution of Senate Bill Nos. 878 and 1036.

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committees on Justice and Human Rights and Constitutional Amendments, Revision of Codes and Laws to which were referred Senate Bill No. 878 introduced by Senator Edgardo J. Angara entitled:

**"AN ACT
GIVING OFFENDERS THE FULLEST BENEFIT OF PREVENTIVE
IMPRISONMENT, AMENDING FOR THE PURPOSE ARTICLE 29 OF
REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE
REVISED PENAL CODE, AND FOR OTHER PURPOSES"**

and Senate Bill No. 1036 introduced by Senator Manny Villar entitled:

**"AN ACT
AMENDING ARTICLE 29 OF ACT NO. 3815, AS AMENDED, THE
REVISED PENAL CODE, IN ORDER TO GIVE OFFENDERS THE
FULLEST BENEFIT OF PREVENTIVE IMPRISONMENT AND FOR
OTHER PURPOSES"**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 3400 prepared by the Committees entitled:

"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 approved in substitution of Senate Bill Nos. 878 and 1036 with Senators Angara, Villar and Escudero as authors thereof.

Respectfully Submitted:

Chairman:

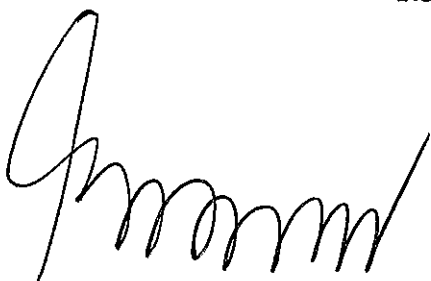


FRANCIS G. ESCUDERO
Committee on Justice and Human Rights
Committee on Constitutional Amendments,
Revision of Codes and Laws

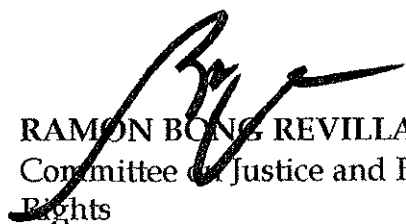
Vice-Chairman:

BENIGNO S. AQUINO III
Committee on Justice and Human Rights
Member, Committee on Constitutional Amendments,
Revision of Codes and Laws


Members:




GREGORIO B. HONASAN II
Committee on Justice and Human Rights



RAMON BONG REVILLA, JR.
Committee on Justice and Human
Rights



MAR ROXAS
Committees on Justice and Human Rights;
and Constitutional Amendments, Revision
of Codes and Laws



RODOLFO G. BIAZON
Committees on Justice and
Human Rights; and Constitutional
Amendments, Revision of Codes
and Laws

may amend
Madrigo

M.A. MADRIGAL

Committees on Justice and Human Rights;
and Constitutional Amendments, Revision
of Codes and Laws

amend

LOREN B. LEGARDA

Committee on Constitutional
Amendments, Revision of Codes
and Laws

RICHARD J. GORDON

Committee on Constitutional Amendments
Revision of Codes and Laws

MANUEL "LITO" M. LAPID

Committee on Constitutional
Amendments, Revision of Codes
and Laws

amend

ALAN PETER "COMPAÑERO S.
CAYETANO

Committee on Justice and Human Rights

amend

FRANCIS N. PANGILINAN

Committees on Justice and Human
Rights; and Constitutional
Amendments, Revision of Codes
and Laws

amend
"COMPAÑERO" PIA S.
CAYETANO

Committee on Constitutional Amendments,
Revision of Codes and Laws

JOKER P. ARROYO

Committee on Constitutional
Amendments, Revision of Codes
and Laws

Ex-Officio Members:

JINGGOY EJERCITO ESTRADA
President Pro-Tempore

JUAN MIGUEL F. ZUBIRI
Majority Floor Leader

may amend
AQUILINO Q. PIMENTEL JR.
Minority Floor Leader

Hon. JUAN PONCE ENRILE
Senate President
Senate of the Philippines
Pasay City

SENATE

S. No. 3400

RECEIVED BY

Prepared by the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws with Senators Angara, Villar and Escudero as authors

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 the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Article 29, Chapter Three, Title 3, Book 1 of Act No. 3815, as
2 amended, otherwise known as The Revised Penal Code, is hereby further amended to
3 read as follows:

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

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

1 2. When upon being summoned for the execution of their sentence they
2 have failed to surrender voluntarily.

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

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

13 **COMPUTATION OF PREVENTIVE IMPRISONMENT FOR PURPOSES OF**
14 **IMMEDIATE RELEASE UNDER THIS PARAGRAPH, SHALL BE THE**
15 **ACTUAL PERIOD OF DETENTION WITH GOOD CONDUCT TIME**
16 **ALLOWANCE.** In case the maximum penalty to which the accused may be
17 sentenced is *destierro*, he shall be released after thirty (30) days preventive
18 imprisonment.

19 **CREDIT FOR PREVENTIVE IMPRISONMENT FOR THE PENALTY OF**
20 **RECLUSION PERPETUA SHALL BE DEDUCTED FROM THIRTY (30)**
21 **YEARS.**

22 SEC. 2. Faithful compliance with the provisions of this Act is hereby mandated.

23 As such, the penalty of one (1) year imprisonment, a fine of One Hundred Thousand
24 Pesos (P100,000.00) and perpetual disqualification to hold public office shall be imposed
25 against any public officer or employee who violates the provisions of this Act.

1 SEC. 3. All laws, presidential decrees, executive orders, issuances, rules and
2 regulations, or any part thereof, which are deemed inconsistent with the provisions of
3 this Act, are hereby repealed or modified accordingly.

4 SECTION 4. *Separability Clause.* - If any part hereof, is held invalid or
5 unconstitutional, the remainder of the provision not otherwise affected shall remain
6 valid and subsisting.

7 SECTION 5. *Repealing Clause.* - Any law, presidential decree or issuance,
8 executive order, letter of instruction, administrative order, rule or regulation contrary
9 to or inconsistent with, the provisions of this Act is hereby repealed, modified or
10 amended accordingly.

11 SEC. 6. This Act shall take effect fifteen (15) days after its publication in the
12 Official Gazette or at least two (2) newspapers of general circulation.

13 Approved,