

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

'04 JUN 30 P 4:55

S E N A T E

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S. No. 374

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE


Preventive imprisonment is the period of detention undergone by an accused where the crime with which he is charged is non-bailable, or even if bailable, he is unable to post the requisite bail.

The rules on preventive imprisonment in Article 29 of the Revised penal Code apply to all sentences regardless of the duration thereof as long as they involve deprivation of liberties. Full time or four-fifths of the period of preventive imprisonment shall be credited to the prisoner depending on whether or not he agreed voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners.

The provision enumerates those who are denied the benefits of the rules on preventive imprisonment. This bill increases the number of those who are denied such benefits by including escapees or those charged with heinous crimes.

Moreover, this bill provides for the immediate release of an accused who have undergone preventive imprisonment for a period equal to or more than the possible minimum (rather than maximum) imprisonment of the offense charged to which he may be sentenced and his case is not yet terminated. This is without prejudice to the continuation of the trial thereof or the proceeding on appeal, if the same is under review.

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


SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
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SENATE

S. No. 374

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Introduced by Senator S. R. Osmeña III

AN ACT
AMENDING 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 Republic of the Philippines in Congress assembled:

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

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

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

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

14 If the detention prisoner does not agree to abide by the same
15 disciplinary rules imposed upon convicted prisoners, he shall be credited
16 in the service of his sentence with four-fifths of the time during which he
17 has undergone preventive imprisonment.

1 Whenever an accused has undergone preventive imprisonment for
2 a period equal to or more than the possible [maximum] MINIMUM
3 imprisonment of the offense charged to which he may be sentenced and
4 his case is not yet terminated, he shall be released immediately without
5 prejudice to the continuation of the trial thereof or the proceeding on
6 appeal, if the same is under review; PROVIDED, HOWEVER, THAT IF
7 THE ACCUSED IS ABSENT WITHOUT JUSTIFIABLE CAUSE AT ANY
8 STAGE OF THE TRIAL, THE COURT MAY MOTU PROPRIO ORDER
9 THE RE-ARREST OF THE ACCUSED. In case the maximum penalty to
10 which the accused may be sentenced is destierro, he shall be released
11 after thirty (30) days of preventive imprisonment.

12 THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO
13 DETENTION PRISONERS:

14 (1) WHO HAVE BEEN CONVICTED PREVIOUSLY TWICE OR
15 MORE TIMES OF ANY CRIME, OR ARE RESCIDIVISTS, ESCAPEES
16 OR CHARGED WITH HEINOUS CRIMES; OR”

17 (2) WHO FAILED TO SURRENDER VOLUNTARILY UPON
18 BEING SUMMONED FOR THE EXECUTION OF THEIR SENTENCE.

19 SEC. 2. All laws, decrees, executive orders, rules and regulations, or
20 parts hereof inconsistent with the provision of this Act are hereby repealed,
21 amended or modified accordingly.

22 SEC. 3. This Act shall take effect fifteen (15) days after its publication in
23 the Official Gazette or in at least two (2) newspapers of general circulation
24 whichever comes earlier.

25 Approved,