

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



Senate
Office of the Secretary

'13 JUL 31 24:28

SENATE

S.B. NO. 1191

RECEIVED BY: *ji*

Introduced by SENATOR FERDINAND R. MARCOS, JR.

Explanatory Note

In one case, the Supreme Court declared that, "(t)he State is concerned not only in the imperative necessity of protecting the social organization against the criminal acts of destructive individuals but also in redeeming the individual for economic usefulness and other social ends." (**People of the Philippines vs. Valeriano Ducosin, G.R. No. L-38332, December 14, 1933**) In another case, the Supreme Court acknowledged that, "the balancing of the State's interests in deterrence and retributive justice vis-à-vis reformation and reintegration of convicts to society through penal laws belongs to the exclusive domain of the legislature." (**People of the Philippines vs. Beth Temporada, G.R. No. 173473, December 17, 2008**)

Under our country's set-up, the Philippine corrections system is primarily composed of three (3) government agencies: the Department of Justice (DOJ), through the Bureau of Corrections (BUCOR); the Department of Interior and Local Government (DILG), through the Bureau of Jail Management and Penology (BJMP); and the Department of Social Welfare and Development (DSWD), through its rehabilitation centers for children in conflict with the law.

True enough, aside from the safekeeping function, the correctional system, one of the five pillars of the Philippine Criminal Justice System, likewise "is concerned with the rehabilitation and reintegration of convicted offenders into the mainstream of society, upholding their human rights and dignity through speedy legal and administrative processes and provision of scientific and spiritual programs." (**Dr. Romulo A. Virola, "Guilty and Not Guilty", Statistically Speaking, 12 September 2011, National Statistics Coordination Board [NSCB] website: www.nscb.gov.ph/headlines/StatsSpeak/2011/091211.asp, [accessed on 25 June 2013]**) In fact, the respective mandates of the agencies involved in the correctional system reflect these dual purposes.

The Philippine legal system presently has in place Articles 97 and 98 of the Revised Penal Code, which has been expanded by Republic Act No. 10592. Under Paragraph 5 of Article 97, "study" is recognized as one of the grounds for which a prisoner may be entitled to additional allowances for good conduct.

This bill seeks to further enhance existing legislation on time allowances for prisoners that shall be credited against their respective prison sentences, through their satisfactory completion of the reading and reporting requirements of certain books deemed "essential" readings for Filipinos, i.e., philosophy, science, classics, literature, and Filipiniana. This prison sentence reduction scheme is akin to the "Redemption through Reading" (*Remicao Pela Leitura*) program that was successfully implemented in Brazil in 2012. It is squarely consistent with the Revised Penal Code provisions, since reading essential or "great" books, writing reports, and oral reporting may be equated to "study" in accordance with Article 97 of the Revised Penal Code.

On the one hand, the enhanced good conduct time allowances in this proposal can directly benefit the prisoners because of the reading, writing and speaking comprehension skills trainings. In fact, as of 2010, in BuCor-managed prisons, 44 out of 100 or 44% of prisoners are either illiterates or were not able to finish elementary school education. While, as of June 2013, the illiteracy rate among the prisoners in BJMP-managed prisons still stands at 3.72%. **(Data from BJMP and NSCB)**

On the other hand, the proposed prison sentence reduction under this bill can indirectly benefit the national criminal justice system as it will assist in decongesting our jails and prisons in the long run. Especially, current statistics show that the BJMP-managed prisons are severely congested by a whopping 343%: meaning, 3 and a half additional human bodies are crammed into a prison space for one prisoner. **(Data from BJMP)**

When prisoners show genuine interest and cooperation in the government's efforts to reform and educate them, it is the State's moral obligation to reciprocate their interest and cooperation with leniency and mercy. In this way, the State may promote productivity and industry in our penitentiaries, and at the same time, instill a sense of hope for eventual freedom and liberty among our prisoners.

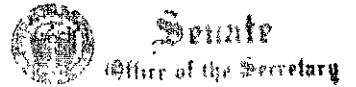
To symbolically highlight the importance of reading in our country, the recognition and announcement of the time allowances credited to participating prisoners under the Program shall be done in the month of November of every year, on the occasion of the National Reading Month.

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



FERDINAND R. MARCOS, JR.

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE
SENATE BILL NO. **1191**

RECEIVED BY: *ja*

Introduced by Senator FERDINAND R. MARCOS, JR.

**AN ACT ESTABLISHING A PROGRAM ENTITLING PRISONERS TO ADDITIONAL
TIME CREDIT ALLOWANCES AGAINST THEIR PRISON SENTENCES,
TO BE KNOWN AS THE "PAG-ASA NG PAGLAYA SA PAGBASA" PROGRAM,
AND FOR OTHER PURPOSES**

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

SECTION 1. Title. - This Act shall be known as "Pag-Asa ng Paglaya sa Pagbasa" Act.

SECTION 2. Declaration of Policy. - It is the policy of the State to promote the general welfare of prisoners in spite of their incarceration in our penitentiaries. While prisoners are under the safekeeping in our corrections systems, it is the State's responsibility not only to reform the prisoners but also to improve their overall well-being, including their literacy, culture and education. When prisoners show genuine interest and cooperation in the government's efforts to reform and educate them, it is the State's moral obligation to reciprocate their interest and cooperation with leniency and mercy. In this way, the State may promote productivity and industry in our penitentiaries, and at the same time, instill a sense of hope among our prisoners. Ultimately, the State hopes to directly achieve an improvement of the literacy rate among our prisoners, as a way to assist them in their future reintegration in the society, and indirectly, to contribute to jail decongestion, by way of enhancing the State's good conduct time allowances system under the Revised Penal Code.

SECTION 3. "Pag-Asa ng Paglaya sa Pagbasa" Program - Without prejudice to Articles 94 and 97 of the Revised Penal Code, as amended by Republic Act No. 10592, detention prisoners and convicted prisoners shall be entitled to a reduction of five (5) days from their sentences for the satisfactory completion of the reading and reporting requirements of assigned books under Section 5 hereof. The satisfactory completion by the participating prisoners of the reading and reporting requirements shall be determined by a public school teacher from the Department of Education (DepEd) School Division in the locality where the prison, detention or rehabilitation center is located.

SECTION 4. Coverage. - Detention prisoners, including persons undergoing preventive imprisonment and children in conflict with the law that are in the custody of rehabilitation centers, and convicted prisoners in any penal institution, rehabilitation or detention center or any other local jail may join and participate in the Program on a purely voluntary basis.

SECTION 5. Assigned Books. - Through the implementing rules and regulations under Section 10 hereof, the Department of Education shall choose and make a list of the assigned books to be included in the Program that shall cover subject areas such as the classics, philosophy, science, literature, and Filipiniana.

SECTION 6. Completion Time. - Participating prisoners shall be entitled to a reading or study time of twenty (20) days per book. After completion of the reading and study, the participant shall be given five (5) days to work on a book report to be handwritten or orally presented by the participating prisoner and shall comply with the scholastic requirements set by the Program Committee through the implementing rules and regulations under Section 10 hereof.

SECTION 7. Recognition, Certification or Notice of Time Credit Allowances for Satisfactory Completion. - Recognition of the satisfactory completion of the requirements by the participating prisoners shall be held in November of every year, on the occasion of the National Reading Month of the Philippines. Participating prisoners who shall have satisfactorily completed the reading and reporting requirements hereunder shall be entitled to a certificate of completion and/or written notice of their earned time credits or the total number of days reduced from their respective sentences for the particular year.

SECTION 8. Limitations. - Participants shall be entitled to finish one book per month or a total of twelve (12) books per year. The total time credits or sentence reduction that can be earned by a participant under the Program shall not exceed sixty (60) days per year.

SECTION 9. Program Administration. - The time allowances that may be granted hereunder shall be granted and administered by the Director of the Bureau of Corrections, the Chief of the Bureau of Jail Management and Penology and/or the Warden of a provincial, district, municipal or city jail, upon favorable recommendation by the Department of Education. Such allowances once granted shall not be revoked.

SECTION 10. Penal Clause. - The penalty of one (1) year imprisonment, a fine of One Hundred Thousand Pesos (₱100,000.00) and perpetual disqualification to hold office shall be imposed against any public officer or employee who violates the provisions of this Act, or who shall assist, aid or abet the prisoners in the commission of intellectual dishonesty or cheating in the Program. Prisoners who shall be caught committing intellectual dishonesty or cheating in the Program shall suffer the penalty of five (5) days of imprisonment to be added to their respective sentences.

SECTION 11. Implementing Rules and Regulations. – Within sixty (60) days from approval of this Act, the Department of Justice (DOJ), the Department of the Interior and Local Government (DILG), the Department of Social Welfare and Development (DSWD), and the Department of Education (DepEd) shall jointly promulgate the rules and regulations to implement the provisions of this Act.

SECTION 12. Separability Clause. - The provisions of this Act are hereby declared to be separable and if any clause, sentence, provision or section of this Act or its application thereof to any person or circumstance should, for any reason, be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Act which can be given force and effect.

SECTION 13. Repealing Clause. - All laws, decrees, charters, executive orders, administrative orders, proclamations, rules and regulations, or parts thereof insofar as they are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 14. Effectivity. - This Act shall take effect fifteen (15) days after completion of publication in the Official Gazette or in a newspaper of general circulation.

Approved,