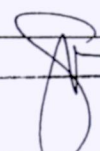


SENATE

S.B. No. 998

'19 SEP -2 P4 :56

Introduced by Sen. Juan Miguel F. Zubiri

RECEIVED BY: 

AN ACT
AMENDING ARTICLES 97 AND 99 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE

EXPLANATORY NOTE

The intention of the amendatory measure is to specifically make convicts of heinous crimes particularly those who committed murder, drug trafficking, kidnap for ransom and other highly dangerous crimes exempted from the benefits of Good Conduct Time Allowance Law (GCTA). Also, the current law provides that the determination of GCTA and approval rest solely on the Director General of the Bureau of Corrections (BuCor) and Jail Director of the Bureau of Jail Management and Penology (BJMP) as the case maybe. This is subject to abuse of discretion and authority, there is no other layer who will review this decision of the BuCor Director General and Jail Director of BJMP. This bill also addresses this significant flaw in the law by having a provision wherein the BuCor Director General and Jail Director of BJMP only recommends the granting of GCTA to the Secretary of Justice and Secretary of Interior and Local Government, respectively, and approval lies with the above mentioned Department Secretaries.

It is our submission that these convicts are too dangerous to be released back in the streets, placing the families of their victims as well as the individuals who testified against them in extreme danger. We cannot fathom a situation where a dangerous criminal will just pretend to be of good behavior for the required period of time in order to qualify for the benefits of the GCTA law, and then afterwards, with his/her release, he/she will get back at those who sent him to jail. That kind of situation will only invite a scenario where victims and witnesses will think twice to pursue a case and fight for the conviction of a culprit. Let us give the victims and their families an assurance that a safe and secured society is in place through enacted laws protecting them even after conviction of the culprits.

A clearly defined law stating that there will be no extinction of criminal liability under the GCTA law for those convicted of heinous crimes as defined by law and/or those who were imposed of capital punishment and violation of RA 9165 or the Dangerous Drugs Act will ensure that another "Mayor Sanchez Controversy," wherein the former Mayor who was convicted of seven terms of *reclusion perpetua* by the Pasig Regional Trial Court Branch 70 in 1995 for the rape and murder of Eileen Sarmenta and the murder

of her boyfriend, Allan Gomez was even considered to benefit from the GCTA law, will not happen again.

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




JUAN MIGUEL F. ZUBIRI

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

3 **Section 1.** Article 97 of Act 3815, as amended, otherwise known as the Revised Penal
4 Code, is hereby further amended to read as follows:

5 "ART. 97. *Allowance for good conduct.* – The good conduct of any offender
6 qualified for credit for preventive imprisonment pursuant to Article 29 of this Code,
7 or of any convicted prisoner in any penal institution, rehabilitation or detention
8 center or any other local jail shall entitle him to the following deductions from the
9 period of his sentence:

10 "1. During the first two years of imprisonment, he shall be allowed a
11 deduction of twenty days for each month of good behavior during
12 detention;

13 "2. During the third to the fifth year, inclusive, of his imprisonment, he shall
14 be allowed a reduction of twenty-three days for each month of good
15 behavior during detention;

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

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

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

25 "An appeal by the accused shall not deprive him of entitlement to the above
26 allowances for good conduct."

27 **"ART. 97-A. EXCEPTION TO ALLOWANCE FOR GOOD CONDUCT. – THE**
28 **PROVISIONS CONTAINED IN ARTICLE 97, OF THIS CODE SHALL NOT BE**

1 **APPLICABLE TO THOSE CONVICTED OF HEINOUS CRIMES, SUCH AS**
2 **MURDER, RAPE, ROBBERY WITH VIOLENCE OR INTIMIDATION,**
3 **KIDNAPPING WITH SERIOUS ILLEGAL DETENTION, PARRICIDE,**
4 **DESTRUCTIVE ARSON AND OTHER HEINOUS CRIMES AS DEFINED**
5 **UNDER REPUBLIC ACT NO. 7659, AND/OR THOSE METED OUT WITH**
6 **CAPITAL PUNISHMENT, AND VIOLATIONS OF REPUBLIC ACT NO. 9165**
7 **OR THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002".**

8 **Section 2.** Article 99 of the same Act is hereby further amended to read as follows:

9 "ART. 99. *Who grants time allowances.* – Whenever lawfully justified, the Director
10 of the Bureau of Corrections, the Chief of the Bureau of Jail Management and
11 Penology and/or the Warden of a provincial, district, municipal or city jail shall
12 **RECOMMEND** grant allowances for good conduct, **SUBJECT TO THE**
13 **APPROVAL OF THE SECRETARY OF DEPARTMENT OF JUSTICE AND**
14 **SECRETARY OF THE DEPARTMENT OF INTERIOR AND LOCAL**
15 **GOVERNMENT, AS THE CASE MAY BE.** [Such allowances once granted shall
16 not be revoked]."

17 **Section 3. *Penal Clause.*** – Faithful compliance with the provisions of this Act is hereby
18 mandated. As such, the penalty of one (1) year imprisonment, a fine of One hundred
19 thousand pesos (P100,000.00) and perpetual disqualification to hold office shall be
20 imposed against any public officer or employee who violates the provisions of this Act.

21 **Section 4. *Implementing Rules and Regulations.*** – The Secretary of the Department of
22 Justice (DOJ) and the Secretary of the Department of the Interior and Local Government
23 (DILG) shall within sixty (60) days from the approval of this Act, promulgate rules and
24 regulations on the classification system for good conduct and time allowances, as may
25 be necessary, to implement the provisions of this Act.

26 **Section 5. *Separability Clause.*** – If any part hereof is held invalid or unconstitutional,
27 the remainder of the provisions not otherwise affected shall remain valid and subsisting.

28 **Section 6. *Repealing Clause.*** – Any law, presidential decree or issuance, executive order,
29 letter of instruction, administrative order, rule or regulation contrary to or inconsistent
30 with the provisions of this Act is hereby repealed, modified or amended accordingly.

31 **Section 7. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days from its
32 publication in the *Official Gazette* or in at least two (2) new papers of general circulation.

33 **Approved,**