

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

5 MAR 16 P3:46

SENATE
S. B. NO. 1901

RECEIVED BY: _____ *E*

Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

Our present penal law provides that in instances where a person is convicted of a non-bailable offense or he is convicted of a bailable offense but cannot afford bail, he shall undergo preventive imprisonment. Once entitled to preventive imprisonment, he must voluntarily agree in writing that he will abide by the same disciplinary rules imposed upon convicted prisoners. Otherwise, if no such written agreement is made, he will only be entitled to four-fifths of the period of detention.

A review of many cases of prisoners show that this written agreement is often not completed for many reasons, *either*: a) the apprehending officers do not know this provision of law or have no forms; or b) the prisoner himself is not aware of the requirement; or c) neglect on the part of the prison officials as when the written agreement is lost or misplaced.

No less than the Board of Pardons and Parole who review the cases of prisoners is of the view that the legal requirement should be reversed. The prisoner should be entitled in full for preventive imprisonment, except in cases specifically provided by law, without any written agreement. This measure seeks to correct this iniquitous procedure and thus gives the offender full credit for his preventive imprisonment as the general rule without any written agreement. If and when he does not agree to abide with said rules, should he be required to do so in writing and then be entitled to only four-fifths (4/5) of the period of detention.

Another instance of inequity is when a prisoner has undergone preventive imprisonment for the possible maximum imprisonment of the offenses charged and he is not released. A paragraph under Article 29 by virtue of BP Blg. 85 corrects this injustice. This amendment, however, needs further refinement. The offender under detention should not undergo detention more than the maximum, instead it should be equal to the possible maximum imprisonment. Moreover, since the prisoner, if he were to be convicted, would enjoy good conduct time allowance for actual period of detention, then the computation for purposes of immediate release should be the actual period of detention plus good conduct time allowance as the maximum possible imprisonment. It is unjust to unduly delay the proceedings of a person already under detention, he should be given every possible opportunity to enjoy the benefits of the law. If good conduct time allowance is granted to convicted prisoners, this benefit should also be extended to the detention prisoner under Article 29, as amended by BP Blg. 85.

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


EDGARDO J. ANGARA
Senator

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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.

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 Republic Act No.
2 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended
3 to read as follows:

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

- 12
13 1. When they are recidivists, or have been convicted previously twice or
14 more times of any crime; and
15
16 2. When upon being summoned for the execution of their sentence they
17 have failed to surrender voluntarily.

18
19 If the detention prisoner does not agree to abide by the same
20 disciplinary rules imposed upon convicted prisoners, he shall DO SO IN
21 WRITING AND SHALL be credited in the service of his sentence with four-
22 fifths of the time during which he has undergone preventive imprisonment.

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Whenever an accused has undergone preventive imprisonment for a period equal to [or more than] the possible maximum imprisonment of the offense charged to which he may be sentenced and his case is not yet terminated, he shall be released immediately without prejudice to the continuation of the trial thereof or the proceeding on appeal, if the same is under review. COMPUTATION OF PREVENTIVE IMPRISONMENT FOR PURPOSES OF IMMEDIATE RELEASE UNDER THIS PARAGRAPH, SHALL BE THE ACTUAL PERIOD OF DETENTION WITH GOOD CONDUCT TIME ALLOWANCE. In case the maximum penalty to which the accused may be sentenced is *destierro*, he shall be released after thirty (30) days of preventive imprisonment.

"CREDIT FOR PREVENTIVE IMPRISONMENT FOR THE PENALTY OF RECLUSION PERPETUA SHALL BE DEDUCTED FROM THIRTY (30) YEARS." (As amended by R.A. No. 627, and further amended by E.O. No. 214, July 10, 1987.)

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

Section. 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,