

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

7 OCT 16 P 6:39

SENATE
S. No. 1770

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Act No. 3815, also known as the Penal Code, punishes under Article 158, the evasion of service of sentence on the occasion of disorder, conflagrations, earthquakes or other calamities.

It provides that:

A convict who shall evade the service of his sentence, by leaving the penal institution where he shall have been confined, on the occasion of disorder resulting from a conflagration, earthquake, explosion, or similar catastrophe, or during a mutiny in which he has not participated, shall suffer an increase of one-fifth of the time still remaining to be served under the original sentence, which in no case shall exceed six months, if he shall fail to give himself up to the authorities within forty-eight hours following the issuance of a proclamation by the Chief Executive announcing the passing away of such calamity.

Convicts who, under the circumstances mentioned in the preceding paragraph, shall give themselves up to the authorities within the above mentioned period of 48 hours, shall be entitled to the deduction provided in Article 98.


Article 98, referred to in Article 158, provides for a special time allowance for loyalty. It states that:

A deduction of one-fifth of the period of his sentence shall be granted to any prisoner who, having evaded the service of his sentence under the circumstances mentioned in Article 158 of this Code, gives himself up to the authorities within 48 hours following the issuance of a proclamation announcing the passing away of the calamity or catastrophe to in said article.

Thus, the law recognizes instances when prisoners are forced to leave their place of confinement in order to save themselves. Those who have already evaded their sentence presumably to avoid harm are encouraged to surrender to the authorities after the passing away of the calamity or the catastrophe enumerated in Article 158. In exchange for such surrender, they are credited with a deduction in their sentences. The law, however, fails to take into consideration those prisoners who chose to stay within the premises of their confinement even if a calamity or catastrophe is occurring.

The same special time allowance should also be given to those prisoners who, despite having all the chances to escape, chose instead to remain in their prison cells. They have shown more convincingly their loyalty than those who escaped and then eventually gave themselves up. Possibly, the prisoners who escaped under Article 158 merely gave themselves up because they saw a slim chance to avoid recapture because the calamity had already passed and the government was already functioning with all its normal efficiency. Put differently, if those prisoners who escaped under the circumstances of Article 158 are given a one-fifth reduction of their sentence, with more reason should those who stayed in their places of confinement be given special time allowance for loyalty.

This bill seeks to address the inadequacies of the existing provisions on special time allowance for loyalty by giving the same allowance to prisoners who exhibited loyalty not leaving their places of confinement under the circumstances of Article 158.*



MIRIAM DEFENSOR SANTIAGO
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* This bill was originally filed during the Thirteenth Congress, Second Regular Session.

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1 AN ACT
2 AMENDING ACT NO. 3815, ALSO KNOWN AS THE PENAL CODE, ARTICLE 98 ON
3 SPECIAL TIME ALLOWANCE FOR LOYALTY

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

6 SECTION 1. Act No. 3815, also known as the Revised Penal Code, Article 98 is hereby
7 amended to read as follows:

8 *Art. 98. Special time allowance for loyalty.* — A deduction of one-fifth of
9 the period of his sentence shall be granted to any prisoner who, having evaded the
10 service of his sentence under the circumstances mentioned in Article 158 of this
11 Code, gives himself up to the authorities within 48 hours following the issuance
12 of a proclamation announcing the passing away of the calamity or catastrophe to
13 in said article. A DEDUCTION OF TWO-FIFTHS OF THE PERIOD OF HIS
14 SENTENCE SHALL BE GRANTED TO ANY PRISONER WHO CHOSE TO
15 STAY IN THE PLACE OF HIS CONFINEMENT NOTWITHSTANDING THE
16 EXISTENCE OF A CALAMITY OR CATASTROPHE ENUMERATED IN
17 ARTICLE 158.

18 SECTION 2. *Repealing Clause.* — Any law, presidential decree or issuance, executive
19 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
20 with the provisions of this Act is hereby repealed, modified or amended accordingly.

1 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

3 Approved,