

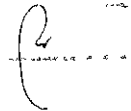
FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE

13 JUN 15 PM 13

SENATE

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S. No. 2374

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

Preventive imprisonment is imposed upon a person before he/she is convicted, if he/she cannot afford bail, or if his/her criminal case is non-bailable. The Revised Penal Code provides that one must voluntarily submit, in writing, to abide by the same disciplinary rules as those imposed upon convicted prisoners. Further, that if no such written agreement is made, the person will only be entitled to four-fifths of the period of detention. Additionally, there are instances where preventive imprisonment is imposed upon the offender for a period more than that of the maximum allowable for his/her offense.

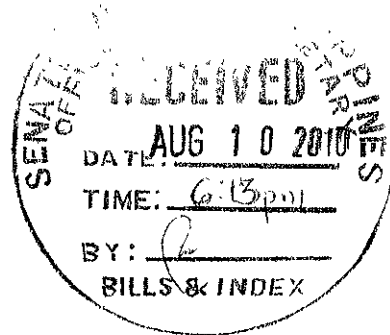
However, it is the view of entities that review the cases of prisoners - specifically the Board of Pardons and Parole- that the legal requirement should be reversed. This bill thus seeks to correct this wrong procedure and thus give the offender full credit for his preventive imprisonment as the general rule and without any written agreement. This bill also enhances good conduct time allowance for time served while under preventive imprisonment.

In the interest of justice, approval of this measure is urgently requested.



FRANCIS G. ESCUDERO

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



SENATE

S. No. 2374

Introduced by **Senator FRANCIS G. ESCUDERO**

**AN ACT
GIVING OFFENDERS THE FULLEST BENEFIT OF PREVENTIVE
IMPRISONMENT, AMENDING FOR THE PURPOSE 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:

SECTION 1. Article 29, Chapter Three, Title 3, Book 1 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

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

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

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

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 in *destierro*, he shall be released after thirty (30) days preventive imprisonment.

CREDIT FOR PREVENTIVE IMPRISONMENT FOR THE PENALTY OF RECLUSION PERPETUA SHALL BE DEDUCTED FROM THIRTY (30) YEARS.

SEC. 2. Faithful compliance with the provisions of this Act is hereby mandated. As such, the penalty of one (1) year imprisonment, a fine of One Hundred Thousand Pesos (P100,000.00) and perpetual disqualification to hold

office shall be imposed against any public officer or employee who violates the provisions of this Act.

SEC. 3. 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.

SEC. 4. *Separability Clause.* If any part hereof, is held invalid or unconstitutional, the remainder of the provision not otherwise affected shall remain valid and subsisting.

SEC. 5. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 6. This Act shall take effect fifteen (15) days from its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,