

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



Senate
Office of the Secretary

13 AUG -6 P4 54

SENATE

RECEIVED BY: *ji*

Senate Bill No. 1222

Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

EXPLANATORY NOTE

The evasion of service of sentence on the occasion of disorder, conflagration, earthquakes, or other calamities under Article 158, succinctly provides, that:

“A convict who shall evade the services of his sentence, by leaving the penal institution where he shall have been confined, on the occasion, 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 period of 48 hours, shall be entitled to the deduction provided in article 98. (Article 158, Revised Penal Code.)”

Article 98 referred to under Article 158 for special time allowance for loyalty 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 referred to in said article. (Article 98, Revised Penal Code.)”

The spirit of the aforesaid well-meaning provisions recognizes instances when prisoners are forced to leave their detention cells in order to save themselves. Those who have evaded their sentence presumably to avoid harm are encouraged to surrender after the lapse or passing away of the calamity enumerated under Article 158. In exchange of such surrender, they are credited with a deduction of their sentence. The law, however, fails to address the situation wherein prisoners chose to stay inside their detention cells or place of their confinement even when a calamity or catastrophe is occurring.

The same special time allowance should be given to those prisoners, who, despite have all chances to escape chose instead to remain in their prison cells. The have displayed convincingly their loyalty than those who escaped and later on gave themselves up. If those prisoners under Article 158 given special time allowance, with more reason that those opted or chose to stay within the premises of their place of confinement be afforded special time allowance for loyalty.

Thus, the passage of this measure is earnestly sought.



JOSEPH VICTOR G. EJERCITO

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**AN ACT AMENDING ARTICLE 98 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE**

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

SECTION 1. Article 98 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

“ART. 98. *Special time allowance for loyalty.* – 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 referred to in said article. **A DEDUCTION OF TWO-FIFTHS OF THE PERIOD OF HIS SENTENCE SHALL BE GRANTED IN CASE SAID PRISONER CHOSE TO STAY IN THE PLACE OF HIS CONFINEMENT NOTWITHSTANDING THE EXISTENCE OF A CALAMITY OR CATASTROPHE ENUMERATED IN ARTICLE 158 OF THIS CODE.**”

SECTION 2. *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.

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

Approved,