




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

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SENATE  
S. B. No. 1263

RECEIVED BY: 

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT MANDATING THE AUTOMATIC RELEASE OF INMATES, PRISONERS  
AND OR DETAINEES AS A CONSEQUENCE OF PERIOD IN CUSTODY OR TIME  
SERVED THAT IS EQUAL TO OR MORE THAN THE POSSIBLE MAXIMUM  
IMPRISONMENT PRESCRIBE FOR THE OFFENSE CHARGED, PRESCRIBING  
PENALTIES THEREFORE, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II Section 5 of the 1987 Philippine Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

In connection thereto, Article III Section 19 provides that, "excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. Any death penalty already imposed shall be reduced to reclusion perpetua. The employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law."

Taking into consideration the above-mentioned constitutional provisions, Inmates, Prisoners and Detainees (IPDs) should be treated with utmost concern as to their rehabilitation and reintegration into society. Such concerns are generally addressed by government agencies as well as some civic and social organizations. At the forefront, the Department of Interior and Local Government, Department of Justice, Department of Social Welfare & Development together with the Bureau of Jail Management and Penology as well as the Bureau of Corrections deals with rehabilitation and reintegration.

It bears emphasis that the Bureau and Jail Management and Penology's Top Most Congested Jail Report has indicated and confirmed a reality that the Philippines is leading into a severe overcrowding in jails. An article in Time magazine<sup>1</sup> depicted jail congestion and liken it to Dante's Inferno. In said article, it was said that a jail meant for 800 people houses 3,800 people. This is close to five times more than the capacity of said detention facility.

<sup>1</sup> Time Magazine; <http://time.com/4438112/philippines-overcrowded-prison-manila-rodrigo-duterte/>.

With regard to the release of inmates, prisoners and or detainees, several government agencies and institutions are directly involved, namely: Bureau of Corrections, Bureau of Jail Management and Penology and the Supreme Court of the Philippines. It is worthy to note that said government agencies each have their own procedures that they need to follow prior to releasing IPDs. In other words, a considerable amount of time is allotted just to release an IPD even if said IPD has adequately served time.

In so far as cost to the government is concerned, reports have indicated that the government currently spends roughly Seventy four thousand pesos (₱74,000.00) for each inmate annually. This number shows that it is costly for the government despite the worsening condition of jails and prisons as to congestion, budget allocation for the food of IPDs, diseases acquired and overall maintenance of the facilities.

The enactment of this measure promises benefits, such as decongesting jails and prisons, improve allocation of budget for individual inmates and prisoners, lessening of court dockets, unburdening the heavy case load of the courts as well as ensure the proper rehabilitation and reintegration of IPDs in our society.

In view of the foregoing, the passage of this bill is earnestly recommended.



**MARIA LOURDES NANCY S. BINAY**

*Senator*

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5 PENALTIES THEREFORE, AND FOR OTHER PURPOSES  
6

7 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*  
8 *assembled:*  
9

10 SECTION 1. This Act shall be known as Automatic Release of Inmates and Prisoners (ARIP)  
11 Act of 2016.  
12

13 SECTION 2. *Declaration of Policy.* It is the policy of the state for the humane treatment of  
14 inmates and prisoners. To address the perennial problem of congestions in jail and prison  
15 cells in various detention facilities and institutions, the policy of the state is for the full  
16 implementation of the rehabilitation and reintegration programs for offenders taking in full  
17 consideration human dignity and decency. Towards this end, the state shall exert efforts for  
18 the automatic release of inmates, prisoners and detainees.  
19

20 SECTION 3. *Coverage.* This Act covers all correctional and detention facilities whether  
21 under the jurisdiction of the Bureau of Jail Management and Penology or the Bureau of  
22 Corrections.  
23

24 SECTION 4. *ARIP.* It is hereby mandated for all correctional and detention facilities to  
25 automatically release Inmates, Prisoners and Detainees (IPDs): when said IPDs has been in  
26 custody for a period equal to or more than the possible maximum imprisonment prescribe for  
27 the offense charged, without prejudice to the continuation of the trial or the proceedings on  
28 appeal, if any.  
29

30 IPDs in custody or has served time for a period equal to or more than the minimum of the  
31 principal penalty prescribed for the offense or felony charged, without application of the  
32 Indeterminate Sentence Law or any modifying circumstance, shall also be automatically  
33 released.  
34

35 IPDs under this Act shall refer to Inmates, Prisoners, Detainees which includes the following:  
36

- 37 1. Insular or national prisoner – one who is sentenced to a prison term of three years and  
38 one day to death;



- 1        2. Provincial prisoner – one who is sentenced to a prison term of six months and one day
- 2            to three years;
- 3        3. City prisoner – one who is sentenced to a prison term of one day to three years; and
- 4        4. Municipal Prisoner – one who is sentenced to a prison term of one day to six months;
- 5        5. Detainees undergoing investigation;
- 6        6. Detainees awaiting or undergoing trial; and
- 7        7. Detainees awaiting final judgment.

8  
9        The mandatory ARIP shall not prejudice any existing programs of the government that  
10        involves the pre-release as well as the post release of said IPDs in furtherance of their  
11        rehabilitation and reintegration.

12  
13        SECTION 5. *Penalties.* The penalty equal to the excess time served of the IPDs as compared  
14        with the original penalty imposed and a fine ranging from One hundred thousand pesos  
15        (P100,000.00) to One million pesos (P1,000,000.00) shall be imposed upon any person, or  
16        group of persons who, unless with justifiable reasons, shall cause the delay or postponement  
17        of the ARIP, at the discretion of the court.

18  
19        SECTION 6. *Implementation.* The Department of Interior and Local Government,  
20        Department of Justice and Department of Social Welfare & Development in consultation  
21        with all relevant government agencies, shall issue implementing rules and regulations within  
22        ninety (90) days from effectivity hereof, and such other rules and regulations as may be  
23        necessary to carry out the purpose of this Act.

24  
25        SECTION 7. *Separability Clause.* Should any portion or provision of this Act is declared  
26        void and unconstitutional, the remaining portions or provisions hereof shall not be affected  
27        by such declaration.

28  
29        SECTION 8. *Repealing Clause.* All laws, decrees, orders, rules and regulations, other  
30        issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or  
31        modified accordingly.

32  
33        SECTION 9. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete  
34        publication in at least two (2) national newspapers of general circulation.

35  
36        Approved,