

SENATE S.B. No. 974

'19 AUG 28 A8:56

RECEIVED BY

Introduced by **Senator Richard J. Gordon**

**AN ACT
DEFINING GOOD CONDUCT, INSTITUTING ADDITIONAL MEASURES FOR
THE IMPLEMENTATION OF GOOD CONDUCT TIME ALLOWANCE,
AMENDING FOR THIS PURPOSE ARTICLES 97 AND 99 OF ACT NO. 3815,
AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE**

EXPLANATORY NOTE

Recent news haunted and shocked the consciousness of the nation when reports abound that convicted murder-rapist former mayor Antonio Sanchez of the Sarmienta-Gomez rape-slay case, together with around 11,000 prisoners,¹ may walk free by claiming the benefits of Republic Act No. 10592. Republic Act No. 10592 amended sections 29, 94, 97, 98 and 99 of the Revised Penal Code, a law of 1930-vintage, which when taken all together would give the accused/convicted a second chance at life in the light of their reformation inside our penitentiaries.

Under Republic Act No. 10592, persons deprived of their liberty are given time allowances for showing good conduct while in prison, for participating in work, literacy, skills and moral values development program, which results in the reduction of his or her incarceration. In doing so, Republic Act No. 10592 seeks to (i) redeem and uplift valuable human material towards economic and social usefulness; (ii) level the field of opportunity by giving an increased time allowance to motivate prisoners to pursue a productive and law-abiding life; and (iii) implement the state policy of restorative and compassionate justice by promoting the reformation and rehabilitation of prisoners, strengthening their moral fiber and facilitating their successful reintegration into the mainstream of society.²

Corollary to this, the implementation of Republic Act No. 10592 will facilitate prison decongestion that have already reached 612% congestion rate in 2017-deteriorating living conditions of the prisoners to a state that is at the verge of a humanitarian crisis.³

¹<https://www.philstar.com/headlines/2019/08/22/1945504/good-law-bad-man-ra-10592-and-rape-slay-convict-antonio-sanchez>.

² Rule II, Section 1, Implementing Rules and Regulations of Republic Act No. 10592, IRR-RA 10592, March 26, 2014.

³ <https://www.rappler.com/nation/206366-congestion-rate-jails-philippines-audit-report-2017>

Controversy arose when it was reported that mayor Sanchez would benefit from the law and would be released in 2 months' time.⁴ This, notwithstanding the fact that he was convicted of seven counts of rape with homicide and was punished for reclusion perpetua for each count, which is equivalent to seven counts of forty (40) years in prison.

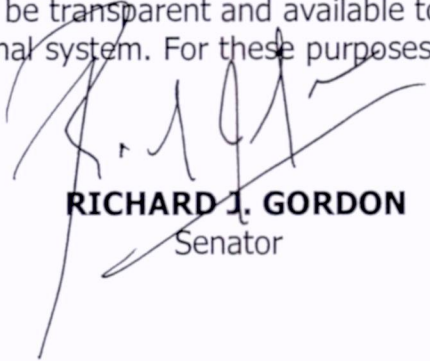
Reports also show that Antonio Sanchez displayed unwanted behavior while inside prison including the violation of several prison rules for smuggling illegal drugs in his jail cell⁵ and received several luxuries not generally allowed under existing jail rules such as having flat screen television and air conditioning unit in his jail cell.⁶

According to the Implementing Rules and Regulations of Republic Act No. 10592 "*Good Conduct*" — refers to the conspicuous and satisfactory behavior of a detention or convicted prisoner consisting of active involvement in rehabilitation programs, productive participation in authorized work activities or accomplishment of exemplary deeds coupled with faithful obedience to all prison/jail rules and regulations.⁷

With the infractions above-stated, how can Antonio Sanchez be qualified for good conduct time allowance for his alleged "good conduct"?

In the light of the recent controversy, this bill seeks to improve Republic Act No. 10592 so that the meritorious principle of the law upon which it is based can be implemented, safeguarding it from abuse of powerful personalities whose years of imprisonment have not changed a bit the crooked and villainous character that made them commit crimes for which they have been convicted. This bill seeks to prevent the capricious, arbitrary, and abusive implementation of Republic Act No. 10592.

This bill proposes several measures such as digitalization of prison records to ensure that there would be prompt and accurate information of the time served by a prisoner. Computation of remaining service must be transparent and available to the public in order to preserve the integrity of our penal system. For these purposes, the passage of this bill is earnestly sought.



RICHARD J. GORDON
Senator

⁴ <https://www.philstar.com/headlines/2019/08/21/1945203/ex-mayor-antonio-sanchez-set-release>

⁵ <https://www.cnnphilippines.com/news/2019/8/22/Antonio-Sanchez-early-release-murder-rape-UP-Los-Banos-students.html>.

⁶ *Id.*

⁷ Rule III, Section 1 (p), Implementing Rules and Regulations of Republic Act No. 10592, IRR-RA 10592, March 26, 2014.



SENATE *S.B. No.* 974

'19 AUG 28 A 8 :56

Introduced by **Senator Richard J. Gordon**

RECEIVED BY:

AN ACT
DEFINING GOOD CONDUCT, INSTITUTING ADDITIONAL MEASURES FOR
THE IMPLEMENTATION OF GOOD CONDUCT TIME ALLOWANCE,
AMENDING FOR THIS PURPOSE ARTICLES 97 AND 99 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:

1 **Section 1.** Article 97 of Act No. 3815, as amended, otherwise known as the Revised
2 Penal Code, is hereby further amended to read as follows:

3 "ART. 97. *Allowance for good conduct.* – The good conduct of any offender
4 qualified for credit for preventive imprisonment pursuant to Article 29 of this
5 Code, or of any convicted prisoner in any penal institution, rehabilitation or
6 detention center or any other local jail shall entitle him to the following
7 deductions from the period of his sentence:

8 "1. During the first two years of imprisonment, he shall be allowed a deduction
9 of twenty days for each month of good behavior during detention;

10 "2. During the third to the fifth year, inclusive, of his imprisonment, he shall be
11 allowed a reduction of twenty-three days for each month of good behavior
12 during detention;

13 "3. During the following years until the tenth year, inclusive, of his
14 imprisonment, he shall be allowed a deduction of twenty-five days for each
15 month of good behavior during detention;

16 "4. During the eleventh and successive years of his imprisonment, he shall be
17 allowed a deduction of thirty days for each month of good behavior during
18 detention; and

19 "5. At any time during the period of imprisonment, he shall be allowed another
20 deduction of fifteen days, in addition to numbers one to four hereof, for each
21 month of study, teaching, [or] mentoring service, **OR AUTHORIZED PRISON**
22 **WORK** time rendered.

1 "An appeal by the accused shall not deprive him of entitlement to the above
2 allowances for good conduct."

3 **"GOOD CONDUCT' REFERS TO THE FAITHFUL OBEDIENCE TO ALL**
4 **LAWS RULES AND REGULATIONS INCLUDING PRISON/JAIL RULES**
5 **AND REGULATIONS AND SATISFACTORY BEHAVIOR OF A DETENTION**
6 **OR CONVICTED PRISONER CONSISTING OF ACTIVE INVOLVEMENT**
7 **IN REHABILITATION PROGRAMS, PRODUCTIVE PARTICIPATION IN**
8 **AUTHORIZED WORK ACTIVITIES OR ACCOMPLISHMENT OF**
9 **EXEMPLARY DEEDS INDICATING PRISONER'S REMORSE,**
10 **REHABILITATION AND APTITUDE TO BECOME PRODUCTIVE AND**
11 **LAW-ABIDING MEMBER OF SOCIETY ONCE RELEASED."**

12 **"PROVIDED THAT RECIDIVISTS, HABITUAL DELINQUENTS,**
13 **ESCAPEES, PERSONS CONVICTED OF HEINOUS CRIMES AND**
14 **PERSONS CHARGED WITH ANOTHER CRIMINAL OFFENSE WHILE**
15 **SERVING SENTENCE ARE EXCLUDED FROM THE COVERAGE OF ART.**
16 **97 OF THIS ACT."**

17 **"PROVIDED FURTHER, THAT A PRISONER WHO IS FOUND TO BE IN**
18 **VIOLATION OF GOOD CONDUCT, AS DEFINED IN THIS ACT, SHALL**
19 **FORFEIT ALL HIS OR HER ACCRUED GOOD CONDUCT TIME**
20 **ALLOWANCE EARNED. A PRISONER WHO IS IN VIOLATION OF GOOD**
21 **CONDUCT SHALL BE ALLOWED TO START OVER AND EARN HIS OR**
22 **HER GOOD CONDUCT TIME ALLOWANCE."**

23 **"THE BUREAU OF CORRECTIONS (BUCOR) AND THE BUREAU OF JAIL**
24 **MANAGEMENT AND PENOLOGY (BJMP) SHALL UNDERTAKE THE FULL**
25 **DIGITALIZATION OF ALL PRISON RECORDS AND SHALL DESIGN AND**
26 **USE A COMPUTER-GENERATED OR AUTOMATED TEMPLATE TO**
27 **MONITOR THE PROGRESS OF DETAINEES OR PRISONERS**
28 **CONVICTED BY FINAL JUDGMENT, CAPABLE OF INCORPORATING**
29 **TIME ALLOWANCES THAT MAY BE GRANTED TO EACH OF THEM."**

30
31 **"IN ADDITION, A WRITTEN COMPUTATION TABLE OR MANUAL OF**
32 **PREVENTIVE IMPRISONMENT OR SERVICE OF SENTENCE**
33 **INCORPORATING TIME ALLOWANCES SHALL BE PREPARED AND**
34 **USED AS THE PRIMARY OFFICIAL REFERENCE BY THE BUCOR, BJMP**
35 **AND PROVINCIAL JAILS."**

36
37 **"A LIST OF PRISONERS WHO MAY BE RELEASED PURSUANT TO THE**
38 **APPLICATION OF THIS PROVISION SHALL BE MADE AVAILABLE TO**
39 **THE PUBLIC IN THE WEBSITE OF THE BUREAU OF CORRECTIONS AND**
40 **THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY AND POSTED IN**
41 **CONSPICUOUS PLACES IN PRISONS AND IN THE CITY OR MUNICIPAL**
42 **HALLS WHERE THEY ARE DETAINED AT LEAST 6 MONTHS FROM**
43 **THEIR SCHEDULED RELEASE, AT WHICH TIME THE BUCOR AND THE**
44 **BJMP MAY STILL ACCEPT FROM THE PUBLIC OPPOSITIONS ON THEIR**

1 **RELEASE AND SHALL RULE ON THE BASIS OF THE MERITS UNDER**
2 **EXISTING LAWS, RULES AND REGULATIONS."**

3
4 **SEC. 2.** Article 99 of the same Act is hereby amended to read as follows:
5

6 "ART. 99. Who grants time allowances. – Whenever lawfully justified, the
7 Director of the Bureau of Corrections, the Chief of the Bureau of Jail
8 Management and Penology and/or the Warden of a provincial, district,
9 municipal or city jail shall grant allowances for good conduct. [~~Such allowances~~
10 ~~once granted shall not be revoked~~]."
11

12 **"PROVIDED THAT THE COMPUTATION OF GOOD CONDUCT TIME**
13 **ALLOWANCE AND THE GRANT OF SUCH SHALL BE REVIEWED BY THE**
14 **BOARD OF PARDONS AND PAROLE."**
15

16 **SEC. 3. Appropriations.** - The initial amount necessary for the implementation
17 of this Act shall be charged against the current fiscal year's appropriations of the
18 Department of Justice for all jails under the Bureau of Corrections and the Department
19 of Interior and Local Government for all jails under the Bureau of Jail Management
20 and Penology. Thereafter, such sums as may be necessary for the continued
21 implementation of this Act shall be included in the annual General Appropriations Act
22 of the respective departments.

23 **SEC. 4. Repealing Clause.** – All laws, decrees, orders, rules and regulations, or
24 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
25 repealed or modified accordingly.

26 **SEC. 5. Separability Clause.** – If any portion or provision of this Act is declared
27 unconstitutional, the remainder of this Act or any provision not affected thereby shall
28 remain in force and effect.

29 **SEC. 6. Effectivity.** – This Act shall take effect after fifteen (15) days following
30 the completion of its publication either in the Official Gazette or in a newspaper of
31 general circulation in the Philippines.
32

33 *Approved,*