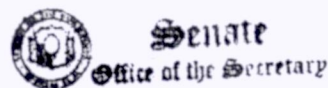



EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 SEP 11 P1 57

SENATE
S. No. 1034

RECEIVED BY: 

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
FURTHER AMENDING REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE
KNOWN AS THE REVISED PENAL CODE**

EXPLANATORY NOTE

The impending release of a convicted rapist and murderer has outraged and angered society, coincidentally bringing to light the anomalies that go on in the Bureau of Corrections. According to statistics presented in the recent hearings on the issue, 1,914 inmates were released under the Good Conduct Time Allowance (GCTA) Law, despite being convicted for heinous crimes, which should have excluded them from the coverage of the said law.

This Act aims to revise and reinforce R.A. No. 10592, making it clearer and preventing its misuse and misinterpretation hence making sure that those who belong in jail stay incarcerated.

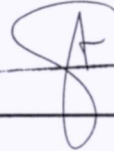
It is the duty of the State to make sure justice is properly implemented and enforced, assuring the Filipino people that crime has no place in our society.

In view of the foregoing, the passage of this bill into law is earnestly sought.


RAMON BONG REVILLA, JR.

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

1 Section 1. Article 29 of Act No. 3815, as amended, otherwise known as the
2 Revised Penal Code, is hereby further amended to read as follows:

3 "ART. 29. Period of preventive imprisonment deducted from term of
4 imprisonment. – Offenders or accused who have undergone preventive imprisonment
5 shall be credited in the service of their sentence consisting of deprivation of liberty,
6 with the full time during which they have undergone preventive imprisonment if the
7 detention prisoner agrees to voluntarily in writing after being informed of the effects
8 thereof and with the assistance of counsel to abide by the same disciplinary rules
9 imposed upon convicted prisoners, except in the following cases:

10 "1. When they are recidivists, or have been convicted previously twice or more
11 times of any crime; **HABITUAL DELINQUENTS; ESCAPEES; AND PERSONS**
12 **CHARGED AND/OR CONVICTED WITH HEINOUS CRIMES; AND**

13 "2. When upon being summoned for the execution of their sentence have failed
14 to surrender voluntarily.

15 "If the detention prisoner does not agree to abide by the same disciplinary rules
16 imposed upon convicted prisoners, he shall do so in writing with the assistance of a
17 counsel and shall be credited in the service of his sentence with four-fifths of the time
18 during which he has undergone preventive imprisonment.

19

1 “Credit for preventive imprisonment for the penalty of *reclusion perpetua* shall
2 be deducted from thirty (30) years.

3 “Whenever an accused has undergone preventive imprisonment for a period
4 equal to the possible maximum imprisonment of the offense charged to which he may
5 be sentenced and his case is not yet terminated, he shall be released immediately
6 without prejudice to the continuation of the trial thereof or the proceeding on appeal,
7 if the same is under review. Computation of preventive imprisonment for purposes of
8 immediate release under this paragraph shall be the actual period of detention with
9 good conduct time allowance: *Provided, however,* That if the accused is absent
10 without justifiable cause at any stage of the trial, the court may *motu proprio* order
11 the rearrest of the accused[~~:-Provided, finally, That recidivists, habitual delinquents,~~
12 ~~escapees and persons charged with heinous crimes are excluded from the coverage~~
13 ~~of this Act.]. In case the maximum penalty to which the accused may be sentenced is~~
14 *destierro*, he shall be released after thirty (30) days of preventive imprisonment.”

15 Sec. 2. A new Article 29-A is hereby inserted after Article 29 and shall read as
16 follows:

17 **“ARTICLE 29 – A. DEFINITION OF HEINOUS CRIMES:**

18 **FOR PURPOSES OF THIS ACT, CRIMES ARE DEEMED HEINOUS FOR**
19 **BEING GRIEVOUS, ODIOUS, AND HATEFUL OFFENSES, AND WHICH, BY**
20 **REASON OF THEIR INHERENT OR MANIFEST WICKEDNESS, VICIOUSNESS,**
21 **ATROCITY, AND PERVERSITY ARE REPUGNANT AND OUTRAGEOUS TO THE**
22 **COMMON STANDARDS AND NORMS OF DECENCY AND MORALITY IN A**
23 **JUST, CIVILIZED AND ORDERED SOCIETY.**

24 **HEINOUS CRIMES SHALL INCLUDE BUT ARE NOT LIMITED TO**
25 **TREASON, PIRACY, QUALIFIED PIRACY, QUALIFIED BRIBERY, PARRICIDE,**
26 **MURDER, INFANTICIDE, KIDNAPPING AND SERIOUS ILLEGAL DETENTION,**
27 **ROBBERY WITH VIOLENCE AGAINST OR INTIMIDATION OF PERSONS,**
28 **DESTRUCTIVE ARSON, RAPE, PLUNDER, CARNAPPING AND VIOLATIONS OF**
29 **THE DANGEROUS DRUGS ACT AS PROVIDED UNDER REPUBLIC ACT NO.**
30 **7659.”**

31 Sec. 3. Article 99 of the same Act is hereby further amended to read as follows:

1 “ART. 99. *Who grants time allowances.* – Whenever lawfully justified, the
2 Director of the Bureau of Corrections, the Chief of the Bureau of Jail Management and
3 Penology and/or the Warden of a provincial district, municipal or city jail shall
4 **RECOMMEND THE** grant allowances for good conduct, **SUBJECT TO THE**
5 **APPROVAL OF THE SECRETARY OF JUSTICE OR THE SECRETARY OF THE**
6 **INTERIOR AND LOCAL GOVERNMENT, AS THE CASE MAY BE.**

7 Sec. 4. A new Article 99-A is hereby inserted to read as follows:

8 **“ART. 99-A. *FORFEITURE OF TIME ALLOWANCES.* – IF DURING THE**
9 **TIME OF DETENTION OR IMPRISONMENT, A PRISONER VIOLATES ANY**
10 **PRISON RULES OR COMMITS ANY OFFENSES, ALL OF THE GOOD CONDUCT**
11 **TIME ALLOWANCE EARNED SHALL BE FORFEITED.”**

12 Sec. 5. Recidivists or persons who have been convicted previously twice or
13 more times of any crime; habitual delinquents; escapees; and persons charged and/or
14 convicted with heinous crimes are excluded from the coverage of this Act.

15 Sec. 6. *Penal Clause.* – Faithful compliance with the provisions of this Act is
16 hereby mandated. As such, the penalty of one (1) year imprisonment, a fine of One
17 Hundred Thousand Pesos (P100,000.00) and perpetual disqualification to hold office
18 shall be imposed against any public officer or employee who violates the provisions of
19 this Act.

20 Sec. 7. *Implementing Rules and Regulations.* – The Secretary of the
21 Department of Justice (DOJ) and the Secretary of the Department of Interior and
22 Local Government (DILG) shall within sixty (60) days from the approval of this Act,
23 promulgate rules and regulations to implement the provisions of this Act.

24 Sec. 8. *Separability Clause.* – If any part hereof is held invalid or
25 unconstitutional, the remainder of the provisions not otherwise affected shall remain
26 valid and subsisting.

27 Sec. 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
28 order, letter of instruction, administrative order, rule or regulation contrary to or
29 inconsistent with the provisions of this Act are hereby repealed, modified or amended
30 accordingly

1 Sec. 10. *Effectivity Clause.* – This act shall take effect fifteen (15) days from its
2 publication in the Official Gazette or in at least two (2) new papers of general
3 circulation.

4

5 *Approved,*