


THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 2005

SENATE

RECEIVED BY: 

S. No. 2390

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

As of August 2005, the records of the Bureau of Jail Management and Penology, the government agency charged with the supervision and control of the country's district, city and municipal jails shows that out of 62,566 of its jail population, 59,406 or 94% are detainees, meaning person detained while waiting preliminary investigation or trial or promulgation of court decision. Only 3,161 or .05 % are sentenced.

Records of the Bureau also reveal that most of its district, city and municipal jails are acutely congested. In Metro Manila alone all twenty three (23) jails are congested. Congestion together with the generally dilapidated jail conditions makes life for inmates miserable and the management and supervision of jail authorities a difficult task to perform.

Pursuant to paragraph 2, Section 14, Article III of the 1987 Constitution of the Philippines, in all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved. The irony and stark reality however is that, even while these detainees are constitutionally presumed innocent, they are already consigned to begin serving prison terms. The slow pace of justice which is vividly evidenced by the detainee's condition has aggravated the situation.

Needless to state, congestion is one of the main scourges of jail supervision and management. It has resulted to escapes, jail riots and disturbances, jail gangs, outbreaks of diseases and other disorders.

A majority of the inmates are poor thus they cannot afford to put up the required bail while some are ignorant, unwanted by society and neglected by the government. Congestion must be radically addressed. This measure is one of them. It is expected that with the passage into law of this bill, jail congestion will be sufficiently addressed.


The prompt and immediate passage of this bill deserves utmost attention.


MANNY VILLAR
Senator

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**AN ACT AMENDING PARAGRAPH 3, ARTICLE 29 OF ACT NO. 3815,
AS AMENDED, OTHERWISE KNOWN AS REVISED PENAL CODE.**

Be enacted by the Senate and House of Representatives of the Philippines in
congress assembled:

Section 1. Paragraph 3 of Article 29 of Act No. 3815, as amended, is hereby
amended to read as follows:

*"Art. 29. Period of preventive imprisonment deducted from term of
imprisonment. —* Offenders 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, if
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 be credited in the service of his
sentence with four-fifths of the time during which he has undergone preventive
imprisonment. (As amended by Republic Act 6127, June 17, 1970).

Whenever an accused has undergone preventive imprisonment for a
period equal to or more than the possible (maximum) **MINIMUM** 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. **PROVIDED HOWEVER, THAT IF THE ACCUSED IS ABSENT
WITHOUT JUSTIFIABLE CAUSE AT ANY STAGE OF THE TRIAL, THE
COURT MAY, ON MOTU PROPIO, ORDER THE REARREST OF THE
ACCUSED, PROVIDED FINALLY THAT, RECIDIVISTS, HABITUAL
DELINQUENTS, ESCAPEES AND PERSONS CHARGED WITH HEINOUS
CRIMES ARE EXCLUDED FROM THE COVERAGE OF THIS ACT.** *In case the*

maximum penalty to which the accused may be sentenced is destierro, he shall be released after thirty (30) days of preventive imprisonment.

Section 2. Repealing Clause.- All laws, decrees, executive orders, rules and issuances inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 3. Effectivity Clause.- This Act shall take effect fifteen (15) days following its publications in the Official Gazette or in any two (2) newspapers of general circulation.

Approved.