

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 P4:32

SENATE

RECEIVED BY: 

S. No. 2365

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

The criminal justice system's fourth pillar, that of corrections, has undergone tremendous change throughout the world in terms of better prison facilities, a personalized appreciation of the rehabilitation of a prisoner, and shorter time spent in a penal institution due to good conduct time allowance. The Philippine correction system has made great improvements in the last decade with the improved system of parole and release on conditional pardon and closer linkages between the prison system itself and the parole and pardon network.

Certain changes have been made in the law to clarify practices which the Board of Pardons and Parole in cooperation with the Director of Prisons have evolved in the past few years to benefit the prisoner. Some of these changes are incorporated in this measure.

With respect to commutation of sentence, only those sentences which the prisoner is serving or will serve should be commuted. Since service of sentence under Article 89 totally extinguishes criminal liability, commutation should only cover unserved sentences, not those the prisoner has already served pursuant to Article 70 on successive service of sentence. When the Chief Executive has granted commutation of sentence for one or several crimes, and the prisoner commits one or several more offenses while in prison or while evading sentence as an escapee, the penalties for such crimes committed subsequent to the commutation should not be aggregated with the commuted sentence. The commuted sentence should be served first, before the prisoner begins to serve the penalty or penalties for the additional crimes.

Allowance for good behavior should be granted to prisoners only when they are physically inside a penal institution. Thus, when a prisoner is given temporary release while on parole or conditional pardon, the time remaining on his sentence which he shall observe under parole or pardon conditions should not be reduced with good conduct time allowance. No allowance should be made prospectively, or only on the period following the event which warrants that no deduction should be made due to bad behavior.

When the prisoner commits an extraordinary act of heroism, he deserves to be recommended for executive clemency. When a parolee or parolees, while outside the penal institution on temporary release, commits an act of extraordinary heroism, he should also be recommended for executive clemency.

Accordingly, the urgent passage of this bill is hereby recommended.

A handwritten signature in black ink, appearing to be 'Manny Villar', written in a cursive style.

MANNY VILLAR

A single vertical line extending downwards from the bottom of the signature.

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**AN ACT TO REDEFINE CERTAIN PROVISIONS
RELATED TO PARTIAL EXTINCTION OF CRIMINAL
LIABILITY AMENDING FOR THE PURPOSE CERTAIN
ARTICLES OF ACT NO. 3815, OTHERWISE KNOWN AS
THE REVISED PENAL CODE, AS AMENDED,
AND FOR OTHER PURPOSES**

^{it}
Be_{it} enacted by the Senate and House of Representatives of the
Philippines in congress assembled:

Section 1. Article 96 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 96. *Effect of commutation of sentence.* – The commutation of the original sentence for another of a different length and nature shall have the legal effect of substituting the latter in the place of the former.

WHEN THE PRISONER HAS TO SERVE TWO OR MORE PENALTIES, ONLY THOSE PENALTIES WHICH HAVE NOT BEEN SERVED AT THE TIME OF CONSIDERATION FOR COMMUTATION OF SENTENCE OF SAID PRISONER MAY BE COMMUTED.

WHEN THE PENALTY OR PENALTIES OF OFFENSES SHALL HAVE BEEN COMMUTED, THE PRISONER MUST FIRST SERVE UP TO THE EXPIRATION OF SAID COMMUTED SENTENCE OR SENTENCES BEFORE THE PERIOD FOR CRIMES COMMITTED SUBSEQUENT TO THE COMMUTATION SHALL BEGIN TO BE SERVED. IN NO CASE SHOULD A SENTENCE WHICH HAS BEEN COMMUTED BE AGGREGATED WITH ANOTHER SENTENCE OR SENTENCES FOR CRIMES COMMITTED SUBSEQUENT TO THE COMMUTATION OF SENCE OR SENTENCES."

Section 2. Article 97 of the same Act is hereby amended to read as follows:

"ART. 97. *Allowance for good conduct.* – The good conduct of any prisoner in any penal institution shall entitle him to the following deductions from the period of his sentence:

1. During the first two years of his imprisonment, he shall be allowed a deduction of five days for each month of good behavior;

2. During the third to the fifth year, inclusive, of his imprisonment, he shall be allowed a deduction of eight days for each month of good behavior;

3. During the following years until the tenth year, inclusive of his imprisonment, he shall be allowed a deduction of ten days for each month of good behavior; and

4. During the eleventh [and successive years of his imprisonment], until the twentieth year, inclusive, he shall be allowed a deduction of fifteen days for each month of good behavior.

5. DURING THE TWENTY-FIRST AND SUCCESSIVE YEARS OF HIS IMPRISONMENT, HE SHALL BE ALLOWED A DEDUCTION OF TWENTY [FIFTEEN] DAYS FOR EACH MONTH OF GOOD BEHAVIOR.

"ALLOWANCE SHALL NOT BE PERMITTED FOR THE PERIOD WHEN THE PRISONER IS OUTSIDE OF THE PENAL INSTITUTION ON TEMPORARY RELEASE ON PAROLE OR CONDITIONAL PARDON WITH PAROLE CONDITIONS. NO ALLOWANCE SHALL BE GRANTED ON THE GOOD CONDUCT TIME ALLOWANCE ITSELF, BUT ONLY ON ACTUAL TIME SPENT IN THE PENAL INSTITUTION."

Section 3. Article 98 of the same Act is hereby amended to read as follows:

"ART. 98 Special time allowance for loyalty and recommendation for executive clemency due to acts and heroism. – 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.

"THE DIRECTOR OF PRISONS MAY RECOMMEND A PRISONER FOR EXECUTIVE CLEMENCY WHEN SAID PRISONER HAS COMMITTED AN EXTRAORDINARY ACT OF HEROISM WHILE SERVING SENTENCE IN A PENAL INSTITUTION.

"THE SECRETARY OF JUSTICE MAY RECOMMEND A PAROLEE OR A PARDONEE ON TEMPORARY RELEASE ON PAROLE OR CONDITIONAL PARDON, RESPECTIVELY, FOR EXECUTIVE CLEMENCY WHEN THE PAROLEE OR PARDONEE HAS COMMITTED AS EXTRAORDINARY ACT OF HEROISM

WHILE OUTSIDE THE PENAL INSTITUTION ON PAROLE
OR CONDITIONAL PARDON.”

Section 4. This Act shall take effect upon its approval and completion of its publication in at least two (2) national newspapers of general circulation.

Approved,

Approved,