

THIRTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
Third Regular Session )

7 JAN 22 1976

SENATE  
S.B. No. 2572

RECEIVED BY: JMS

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

According to the Bureau of Jail Management and Penology (BJMP), congestion is one of the major problems and challenges confronting them. According to the BJMP data, there are currently around 60,041 inmates. The capacity of our jails is only around 18,955 inmates. There is therefore a variance of 41,086 inmates or 217% congestion in our jails. The problem of congestion brings about various logistical, security and health problems.

One solution to the congestion problem is to shorten the sentences of deserving inmates through the grant of good conduct time allowances. If an inmate will behave properly, his sentence could be shortened and he could be released sooner. This program would inevitably lead to the decongestion of our jails.

The problem, however, is that according to the Penal Code it is only the Director of Prisons who is empowered to grant good conduct time allowances. The Penal Code in Article 99 provides that:

*Art. 99. Who grants time allowances. — Whenever lawfully justified, the Director of Prisons shall grant allowances for good conduct. Such allowances once granted shall not be revoked.*

The Supreme Court, in the case of *People vs. Tan* 19 SCRA 433 (1967), interpreted this provision to mean that the authority granted to the Director of Prisons is exclusive. There is no other person who can grant good conduct time allowances aside from him.

However, the Director of Prisons (now known as the Director of the Bureau of Corrections) only has jurisdiction over prisoners sentenced to serve imprisonment of more than three years. Inmates who are sentenced to three years or less imprisonment serve their sentences in jails under the BJMP.

To decongest jails, the BJMP Chief should also be given the power to give good conduct time allowances. This bill aims to amend the law in order to empower the BJMP Chief to give good conduct time allowances to deserving inmates.

  
MIRIAM DEFENSOR SANTIAGO

THIRTEENTH CONGRESS OF THE REPUBLIC)  
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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
AMENDING ARTICLE 99 OF ACT NO. 3815 ALSO KNOWN AS  
THE REVISED PENAL CODE, AS AMENDED

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

SECTION 1. Article 99 of Act No. 3815, also known as the Revised Penal Code, on who grants time allowances is hereby amended to read as follows:

Art. 99. *Who grants time allowances.* – Whenever lawfully justified, the Director of Prisons OR THE HEAD OF THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY, WITHIN THEIR RESPECTIVE JURISDICTION, shall grant allowances for good conduct. Such allowances once granted shall not be revoked.

SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.