Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4628

Introduced by HON. VICENTE S.E. VELOSO III

EXPLANATORY NOTE

Act No. 3815 or the Revised Penal Code was approved on October 12, 1930 when the country was still under the American rule. Since its approval, it has undergone amendments. One of the recent amendments is Republic Act No. 10592 entitled "An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, otherwise known as the Revised Penal Code", which was approved on May 29, 2013 under the administration of then President Benigno S.E. Aquino III.

The intention of the amendment was to serve what is right and just. The amendment increased for qualified inmates the benefits of Good Conduct Time Allowance (GCTA), Time Allowance for Study, Teaching and Mentoring (TASTM), and Special Time Allowance for Loyalty (STAL). Relatedly, the Supreme Court (SC) on June 25, 2019, in its decision in G.R. No. 212719, declared invalid Section 4, Rule I of the Implementing Rules and Regulations (IRR) of RA 10592 insofar as the IRR provided for prospective application of the GCTA, TASTM, and STAL, and called for the application of Article 22 of the Revised Penal Code on the retroactive effect of penal laws.

Due to the erroneous application of the amendment, and in light of the SC ruling, more than 2,000 convicts of heinous crimes, including former Calauan Mayor Antonio Sanchez, have been released from prison.

The State is under obligation to ensure that convicted felons fully serve their sentence. This representation proposes to exclude from the benefits of rehabilitative and restorative justice escapees, recidivists and habitual delinquents of grave felonies, and persons convicted twice or more times of a crime punishable by reclusion perpetua. Thus, a person twice convicted of a petty crime of theft for stealing canned goods for the first time, and clothing for the second time, should not be excluded from the benefit of Good Conduct Time Allowance even if the person is a recidivist.

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

VICENTE S.E. VELOSO III
AN ACT RATIONALIZING THE GRANT OF GOOD CONDUCT ALLOWANCES, AMENDING FOR THE PURPOSE ARTICLES 29, 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:

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

"Art. 29. Period of preventive imprisonment deducted from term of imprisonment. —Offenders or accused 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 after being informed of the effects thereof and with the assistance of counsel 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 of any crime; and
2. When upon being summoned for the execution of their sentence they have failed to surrender voluntarily[,]; AND
3. WHEN THEY ARE ESCAPEES, RECIDIVISTS OR HABITUAL DELINQUENTS OF GRAVE FELONIES AS DEFINED UNDER ARTICLE 9 OF THIS CODE.
If the detention prisoner does not agree to abide by the same
disciplinary rules imposed upon convicted prisoners, he shall do so in
writing with the assistance of a counsel and shall be credited in the
service of his sentence with four-fifths of the time during which he has
undergone preventive imprisonment.

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

Whenever an accused has undergone preventive imprisonment
for a period equal to the possible maximum 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.

Computation of preventive imprisonment for purposes of
immediate release under this paragraph shall be the actual period of
detention with good conduct time allowance: Provided, however, That if the accused is absent without justifiable cause at any
stage of the trial, the court may motu proprio order the re-arrest of the
accused. Provided, finally, That recidivists, habitual delinquents,
escapes 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.”

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

“Art. 97. Allowance for good conduct. —UNLESS THE
OFFENDER IS AN ESCAPEE, A RECIDIVIST OR
HABITUAL DELINQUENT OF GRAVE FELONIES AS
DEFINED IN ARTICLE 9 OF THIS ACT, [The] HIS good
conduct [of any offender qualified for credit for preventive
imprisonment pursuant to Article 29 of this Code, or of any
convicted prisoner in any penal institution, rehabilitation or detention
center or any other local jail] shall entitle him to the following
deductions from the period of his sentence:

1. During the first two years of imprisonment, he shall be allowed a
deduction of [twenty] FIVE (5) days for each month of good behavior
during detention;

2. During the third to the fifth year, inclusive, of his imprisonment,
he shall be allowed a deduction of [twenty-three] TEN (10) days for
each month of good behavior during detention;

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

4. During the eleventh and successive years of his imprisonment, he shall be allowed a deduction of TWENTY (20) days for each month of good behavior during detention; and

5. At any time during the period of imprisonment, he shall be allowed another deduction of fifteen days, in addition to numbers one to four hereof, for each month of study, teaching or mentoring service time rendered.

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

SEC. 3. Article 99 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

"Art. 99. Who grants time allowances. — [Whenever lawfully justified,] THE COURT THAT RENDERED JUDGMENT IN THE CRIMINAL CASE, upon recommendation of the Director of the Bureau of Corrections, Chief of the Bureau of Jail Management and Penology and/or the Warden of a provincial, district, municipal or city jail shall grant allowances for good conduct UNLESS UNLAWFULLY GRANTED, [S]uch allowances, once granted shall not be revoked.

SEC. 4.-Within ninety (90) days after the effectivity of this Act, the Supreme Court shall promulgate the rules and regulations necessary to implement the provisions of this Act.

SEC. 5.- If any part hereof is held invalid or unconstitutional, the remainder of the provisions not otherwise affected shall remain valid and subsisting.

SEC. 6.- 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.

SEC. 7.- This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,