

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4383

Introduced by **Representative PABLO JOHN F. GARCIA**

EXPLANATORY NOTE

While the apparent intent of Republic Act No. 10592 entitled "AN ACT AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE" was to exclude recidivists, habitual delinquents, escapees and persons convicted of heinous crimes from the application **both** of the allowance for time for preventive imprisonment under Article 29 of the Revised Penal Code **AND** allowance for good conduct time allowance (GCTA) under Article 97 of the same law, the law—as crafted and worded—would apparently leave room for application that the same convicts are not excluded from GCTA.

This, precisely, was the Bureau of Corrections' justification for the controversial release of some convicts covered by the exclusion in the years following the law's effectivity in 2013.

Recently, however, the Department of Justice (DOJ) confirmed their interpretation of the law, which should be accorded great respect being the implementor of the law, that the class of convicts excluded under Article 29 should also be excluded from enjoying the benefits of Article 97.

This bill seeks to clarify the legislative intention of Republic Act No. 10592 that recidivists, habitual delinquents, escapees and persons convicted of heinous crimes should be excluded from enjoying the benefits of both.

The swift passage of this bill is earnestly urged.


PABLO JOHN F. GARCIA

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House Bill No. _____

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AN ACT

FURTHER AMENDING ARTICLE 97 OF ACT NO. 3185, OTHERWISE KNOWN AS THE REVISED PENAL CODE, IN ORDER TO CLARIFY THE LEGISLATIVE INTENTION OF REPUBLIC ACT NO. 10592 EXCLUDING RECIDIVISTS, HABITUAL DELINQUENTS, ESCAPEES AND PERSONS CONVICTED OF HEINOUS CRIMES FROM ENJOYING THE BENEFITS OF GOOD CONDUCT TIME ALLOWANCE (GCTA) UNDER ARTICLE 97 OF SAID ACT

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

Section 1. Article 97 of Act No. 3185, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

"ART. 97. *Allowance for good conduct.* – The 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, EXCEPT RECIDIVISTS, HABITUAL DELINQUENTS, ESCAPEES AND PERSONS CONVICTED OF HEINOUS CRIMES, 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 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 reduction of twenty-three 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-five 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 thirty 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. 2. This law shall take effect fifteen (15) days following its publication in the Official Gazette, or in a newspaper of general publication.

Approved,