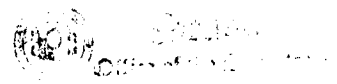


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session



25 JAN 22 P2:58

SENATE
S. No. 2940

REC'D

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
AMENDING ARTICLES 29, 97, 99, 171, AND 174, AND CREATING A NEW
ARTICLE 99-A UNDER ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN
AS "THE REVISED PENAL CODE"

EXPLANATORY NOTE

Republic Act No. 10592, or the Good Conduct Time Allowance (GCTA) Law, amended key provisions of Act No. 3815, otherwise known as the Revised Penal Code, specifically Articles 29 (Period of preventive imprisonment deducted from term of imprisonment) and 97 (Allowance for good conduct). This law introduced reforms allowing detainees to earn and credit good conduct allowances even during preventive imprisonment and increased the allowable deductions from the sentence of convicted persons. The primary purpose of this law was two-fold: first, to incentivize inmates who demonstrate good behavior while serving their sentence, and second, to promote rehabilitation and reform for individuals willing to reintegrate into society.

To guide the implementation of the GCTA Law, the Department of Justice (DOJ) and the Department of the Interior and Local Government (DILG) issued the Uniform Manual on Time Allowances and Service of Sentence. However, in practice, the law's broad discretion in determining what constitutes "good conduct" and how time allowances are operationalized has led to allegations of abuse. Reports have surfaced indicating that the law has been exploited to benefit undeserving individuals, including those convicted of heinous crimes.

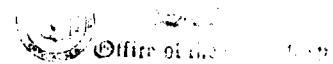
There is a need to amend the guidelines governing the GCTA Law, resulting in a clearer prohibition against extending its benefits to convicts of heinous crimes. A list of offenses deemed heinous was also introduced. However, to fully institutionalize these exclusions and address remaining ambiguities, legislative action is necessary. This proposed measure seeks to safeguard the integrity of the GCTA Law by introducing the following key amendments:

1. **Define Heinous Crimes:** Clearly specify offenses that qualify as heinous crimes to ensure consistent application of exclusions under the law.
2. **Explicit Exclusions:** Prohibit recidivists, habitual delinquents, escapees, and persons convicted of heinous crimes from availing of the GCTA, including allowances for preventive imprisonment under Article 29.
3. **Mandatory Notice and Publication:** Require mandatory notice to private offended parties and public disclosure of prisoners who are eligible for release under the GCTA Law.
4. **Revocability of GCTA:** Remove the provision making GCTA irrevocable once granted, ensuring that allowances can be revoked if warranted.
5. **Forfeiture of GCTA:** Introduce a provision for the forfeiture of GCTA for violations of prison rules or the commission of any offense while serving a sentence.
6. **Increase Penalties for Fraud:** Impose stiffer penalties for the issuance of false certifications of good conduct to deter abuse of the law.

While this measure recognizes the importance of rehabilitation and reform for convicted individuals, it also underscores the necessity of safeguarding the law from misuse. By ensuring that the GCTA benefits only those who genuinely deserve it, we can preserve the integrity of its rehabilitative intent while deterring its exploitation by individuals convicted of heinous crimes or those unworthy of the law's benefits. In view of the foregoing, the approval of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA

NINETEENTH CONGRESS OF THE)
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25 JAN 22 P 2:59

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AN ACT
AMENDING ARTICLES 29, 97, 99, 171, AND 174, AND CREATING A NEW
ARTICLE 99-A UNDER ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN
AS "THE REVISED PENAL CODE"

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

1 Section 1. Article 29 of Act No. 3815, otherwise known as "The Revised Penal
2 Code", as amended, is hereby further amended to read as follows:

3 "Art. 29. *Period of preventive imprisonment deducted from*
4 *term of imprisonment.* - x x x

5 "x x x.

6 "Whenever an accused has undergone preventive
7 imprisonment for a period equal to or more the possible
8 maximum imprisonment of the offense charged to which he
9 may be sentenced and his case is not yet terminated, he shall
10 be released immediately without prejudice to the continuation
11 of the trial thereof or the proceeding on appeal, if the same is
12 under review. **COMPUTATION OF PREVENTIVE**
13 **IMPRISONMENT FOR PURPOSES OF IMMEDIATE**
14 **RELEASE UNDER THIS PARAGRAPH SHALL BE THE**
15 **ACTUAL PERIOD OF DETENTION WITH GOOD**
16 **CONDUCT TIME ALLOWANCE: PROVIDED, HOWEVER,**

1 **THAT IF THE ACCUSED IS ABSENT WITHOUT**
2 **JUSTIFIABLE CAUSE AT ANY STAGE OF THE TRIAL, THE**
3 **COURT MAY MOTU PROPRIO ORDER THE REARREST**
4 **OF THE ACCUSED: PROVIDED, FINALLY, THAT**
5 **RECIDIVISTS, HABITUAL DELINQUENTS, ESCAPEES**
6 **AND PERSONS CHARGED WITH HEINOUS CRIMES ARE**
7 **EXCLUDED FROM THE COVERAGE OF THIS ACT.** In case
8 the maximum penalty to which the accused may be sentenced
9 is destierro, he shall be released after thirty (30) days of
10 preventive imprisonment. **FOR PURPOSES OF THIS ACT,**
11 **CRIMES ARE DEEMED HEINOUS FOR BEING**
12 **GRIEVOUS, ODIOUS, AND HATEFUL OFFENSES, AND**
13 **WHICH, BY REASON OF THEIR INHERENT OR**
14 **MANIFEST WICKEDNESS, VICIOUSNESS, ATROCITY,**
15 **AND PERVERSITY ARE REPUGNANT AND**
16 **OUTRAGEOUS TO THE COMMON STANDARDS AND**
17 **NORMS OF DECENCY AND MORALITY IN A JUST,**
18 **CIVILIZED, AND ORDERED SOCIETY. "HEINOUS**
19 **CRIMES" SHALL INCLUDE BUT ARE NOT LIMITED TO**
20 **TREASON, PIRACY, QUALIFIED PIRACY, QUALIFIED**
21 **BRIBERY, PARRICIDE, MURDER, INFANTICIDE,**
22 **KIDNAPPING AND SERIOUS ILLEGAL DETENTION,**
23 **ROBBERY WITH VIOLENCE AGAINST OR**
24 **INTIMIDATION OF PERSONS, DESTRUCTIVE ARSON,**
25 **RAPE, PLUNDER, CARNAPPING AND VIOLATIONS OF**
26 **THE DANGEROUS DRUGS ACT AS PROVIDED UNDER**
27 **REPUBLIC ACT NO. 7659."**

28 Sec. 2. Article 97 of Act No. 3815, as amended, is hereby further amended to
29 read as follows:

30 "Art. 97. *Allowance for Good Conduct.* - The good
31 conduct of any [prisoner] **OFFENDER QUALIFIED FOR**
32 **CREDIT FOR PREVENTIVE IMPRISONMENT**

1 **PURSUANT ARTICLE 29 OF THIS CODE, OR OF ANY**
2 **CONVICTED** in any penal institution, **REHABILITATION**
3 **OR DETENTION CENTER OR ANY OTHER LOCAL JAIL**
4 shall entitle him to the following deductions from the period
5 of his sentence:

6 "1. During the first two years of imprisonment, he shall
7 be allowed a deduction of [~~five~~] **TWENTY** days for each
8 month of good behavior **DURING DETENTION**;

9 "2. During the third to the fifth year, inclusive, of his
10 imprisonment, he shall be allowed a [~~deduction~~]
11 **REDUCTION** of [~~eight~~] **TWENTY THREE** days for each
12 month of good behavior **DURING DETENTION**;

13 "3. During the following years until the tenth year,
14 inclusive, of his imprisonment, he shall be allowed a deduction
15 of [~~ten~~] **TWENTY-FIVE** days for each month of good
16 behavior **DURING DETENTION**; and

17 "4. During the eleventh and successive years of his
18 imprisonment, he shall be allowed a deduction of [~~fifteen~~]
19 **THIRTY** days for each month of good behaviour **DURING**
20 **DETENTION** [-];

21 "5. **AT ANY TIME DURING THE PERIOD OF**
22 **IMPRISONMENT, HE SHALL BE ALLOWED ANOTHER**
23 **DEDUCTION OF FIFTEEN DAYS, IN ADDITION TO**
24 **NUMBERS ONE TO FOUR HEREOF, FOR EACH MONTH**
25 **OF STUDY, TEACHING OR MENTORING SERVICE TIME**
26 **RENDERED.**

27 "AN APPEAL BY THE ACCUSED SHALL NOT
28 DEPRIVE HIM OF ENTITLEMENT TO THE ABOVE
29 ALLOWANCES FOR GOOD CONDUCT: *PROVIDED,*
30 *HOWEVER,* THAT RECIDIVISTS, HABITUAL
31 DELINQUENTS, ESCAPEES, AND PERSONS

1 CONVICTED OF HEINOUS CRIMES ARE EXCLUDED
2 FROM THE COVERAGE OF THIS ACT.

3 "THE PRISON AUTHORITIES SHALL PUBLISH
4 THE LIST OF NAMES OF PRISONERS BEING
5 CONSIDERED TO BE RELEASED BY VIRTUE OF ANY OF
6 THE GOOD CONDUCT TIME ALLOWANCES GRANTED
7 UNDER ARTICLES 29, 97, AND 98 OF THIS CODE. ANY
8 INTERESTED PARTY MAY SUBMIT WRITTEN
9 OBJECTIONS, COMMENTS, OR INFORMATION
10 RELEVANT TO THE CASE/S OF THE PRISONER/S NOT
11 LATER THAN THIRTY (30) DAYS FROM THE DATE OF
12 PUBLICATION. "THE PRISON AUTHORITIES SHALL
13 ALSO, IF APPLICABLE, NOTIFY THE PRIVATE
14 OFFENDED PARTY OR IF THE LATTER IS UNAVAILABLE
15 OR OTHERWISE CANNOT BE LOCATED, THEIR
16 IMMEDIATE RELATIVES, AND GIVE THEM THIRTY (30)
17 DAYS TO COMMENT FROM THE RECEIPT OF NOTICE."

18 Sec. 3. Article 99 of Act No. 3815, as amended, is hereby further amended to
19 read as follows:

20 "Art. 99. *Who Grants Time Allowances.* - Whenever lawfully
21 justified, the Director of [Prisons] **THE BUREAU OF**
22 **CORRECTIONS, THE CHIEF OF THE BUREAU OF JAIL**
23 **MANAGEMENT AND PENOLOGY AND/OR THE WARDEN**
24 **OF A PROVINCIAL, DISTRICT, MUNICIPAL OR CITY**
25 **JAIL** shall grant allowances for good conduct. [~~Such~~
26 ~~allowances once granted shall not be revoked.~~]"

27 Sec. 4. A new Article 99-A shall be inserted to read as follows:

28 "**ART. 99-A. FORFEITURE OF TIME ALLOWANCES. - IF**
29 **DURING THE TIME OF DETENTION OR**
30 **IMPRISONMENT, A PRISONER VIOLATES PRISON**
31 **RULES OR COMMITS ANY OFFENSE, ALL OR ANY PART**
32 **OF THE GOOD CONDUCT TIME ALLOWANCE EARNED**

1 **MAY BE FORFEITED, UPON APPROVAL OF THE**
2 **DIRECTOR OF THE BUREAU OF CORRECTIONS, THE**
3 **CHIEF OF THE BUREAU OF JAIL MANAGEMENT AND**
4 **PENOLOGY AND/OR THE WARDEN OF A PROVINCIAL,**
5 **DISTRICT, MUNICIPAL OR CITY JAIL, AS THE CASE**
6 **MAY BE: *PROVIDED*, THAT THE FORFEITURE SHALL**
7 **NOT BE IMPOSED IN EXCESS OF THE GOOD CONDUCT**
8 **ALLOWANCE ACTUALLY EARNED AT THE TIME OF**
9 **FORFEITURE.”**

10 Sec. 5. Article 171 of Act No. 3815, as amended, is hereby further amended to
11 read as follows:

12 “Art. 171. *Falsification by public officer, employee or*
13 *notary or ecclesiastic minister.* - The penalty of *prision mayor*
14 a fine not to exceed [~~P5,000.00~~] **ONE MILLION PESOS**
15 **(P1,000,000)** shall be imposed upon any public officer,
16 employee, or notary who, taking advantage of his official
17 position, shall falsify a document by committing any of the
18 following acts:

19 “1. Counterfeiting or imitating any handwriting, signature
20 or rubric;

21 “2. Causing it to appear that persons have participated in
22 any act or proceeding when they did not in fact so participate;

23 “3. Attributing to persons who have participated in an act
24 or proceeding statements other than those in fact made by
25 them;

26 “4. Making untruthful statements in a narration of facts;

27 “5. Altering true dates;

28 “6. Making any alteration or intercalation in a genuine
29 document which changes its meaning;

30 “7. Issuing in an authenticated form a document
31 purporting to be a copy of an original document when no such
32 original exists, or including in such a copy a statement

1 contrary to, or different from, that of the genuine original;
2 **[or]**

3 "8. Intercalating any instrument or note relative to the
4 issuance thereof in a protocol, registry, or official book [-]; **OR**

5 **"9. ISSUING A FALSE CERTIFICATE OF MERIT OF**
6 **SERVICE, GOOD CONDUCT OR SIMILAR**
7 **CIRCUMSTANCES.**

8 "The same penalty shall be imposed upon any
9 ecclesiastical minister who shall commit any of the offenses
10 enumerated in the preceding paragraphs of this article, with
11 respect to any record or document of such character that its
12 falsification may affect the civil status of persons."

13 Sec. 6. Article 174 of Act No. 3815, as amended, is hereby further amended as
14 follows:

15 "Art. 174. *False Medical Certificates* ~~*[False Certificates*~~
16 ~~*of Merit or Services and the like]*~~. - The penalties of *arresto*
17 *mayor* in its maximum period to *prision correccional* in its
18 minimum period and a fine not to exceed ~~[P1,000]~~ **TWO**
19 **HUNDRED THOUSAND PESOS (P200,000)** shall be
20 imposed upon

21 ~~"[1-A] any physician or surgeon who, in connection,~~
22 ~~with the practice of his profession, shall issue a false~~
23 ~~certificate [and]~~

24 ~~"[2. Any public officer who shall issue a false~~
25 ~~certificate of merit of service or good conduct or similar~~
26 ~~circumstance.]~~

27 "The penalty of *arresto mayor* shall be imposed upon
28 any private person who shall falsify a certificate falling within
29 the classes mentioned in the two-preceding subdivision."

30 Sec. 7. *Implementing Rules and Regulations.* - The Department of Justice shall
31 promulgate the necessary implementing rules and regulations within sixty (60) days
32 from, effectivity of this Act.

33 Sec. 8. *Separability Clause.* - If any portion or provision of this Act is
34 subsequently declared invalid or unconstitutional, other provisions hereof which are
35 not affected thereby shall remain in full force and effect.

36 Sec. 9. *Repealing Clause.* - All other laws, acts, presidential decrees, executive
37 orders, presidential proclamations, issuances, rules and regulations, or parts thereof
38 which are contrary to or inconsistent with any of the provisions of this Act are hereby
39 repealed, amended, or modified accordingly.

40 Sec. 10. *Effectivity.* - This Act shall take effect fifteen (15) days after its
41 publication in the Official Gazette or in a newspaper of general circulation.

Approved,