



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

'22 AUG -3 A11 :12

SENATE
S. B. No. 995

RECEIVED BY: _____

Introduced by Senator SONNY ANGARA

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 (RA) No. 10592 or the Good Conduct Time Allowance (GCTA) Law, amended, among others, Articles 29 (Period of preventive imprisonment deducted from term of imprisonment) and 97 (Allowance for good conduct) of Act No. 3815 or the Revised Penal Code. The law allowed the earning and crediting of good conduct allowance from the time of preventive imprisonment and increased the allowable deductions from the period of the sentence of convicted persons. It was not only to incentivize inmates who have exhibited good behavior during the service of their sentence, but also an effort to inculcate a sense of rehabilitation to those willing.

As implementation of RA No. 10592, the DOJ-DILG Uniform Manual on Time Allowances and Services of Sentence was promulgated to serve as guidelines on how the time allowances would operate. However, due to the immense discretion provided to the implementing agencies on the operationalization of time allowances as well as in the determination what constitutes good conduct, the law is allegedly being exploited to benefit undeserving felons. Thus, the Committee on Justice, in the 18th Congress, launched a legislative inquiry into the GCTA which led to the

amendment of the guidelines to specifically state that convicts of heinous crimes are ineligible to benefit from the law and listed down offenses deemed as heinous crimes.¹

To institutionalize the exclusion of convicts of heinous crimes from the benefits of the GCTA law, this measure aims to : (a) define heinous crimes for purposes of applying exclusions in the coverage of the Act; (b) explicitly exclude recidivists, habitual delinquents, escapees, and persons convicted of heinous crimes from availing of the allowance for good conduct similar to those provided for under Article 29 (GCTA for preventive imprisonment); (c) provide mandatory notice to private offended parties and publication of names of prisoners who will be released under the GCTA law; (d) delete the provision making GCTA irrevocable once granted; (e) provide for forfeiture of GCTA for violation of prison rules or commission of any offense while serving sentence; and (f) increasing the penalty for the issuance of false certificate of good conduct.

While we acknowledge the need to introduce efforts to rehabilitate and reform those convicted, certain circumstances must be considered in order to deter those undeserving from exploiting the good-natured intent of the law.

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



SONNY ANGARA
JA

¹ <https://www.philstar.com/headlines/2020/10/01/2046441/whatever-happened-to-gcta-controversy>

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Be it enacted by the Senate and 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 term*
4 *of imprisonment. - x x x*
5 "x x x."

6 "Whenever an accused has undergone preventive imprisonment
7 for a period equal to the possible maximum imprisonment of the offense
8 charged to which he may be sentenced and his case is not yet
9 terminated, he shall be released immediately without prejudice to the
10 continuation of the trial thereof or the proceeding on appeal, if the same
11 is under review. Computation of preventive imprisonment for purposes
12 of immediate release under this paragraph shall be the actual period of
13 detention with good conduct time allowance: *Provided, however,* That
14 if the accused is absent without justifiable cause at any stage of the trial,
15 the court may *motu proprio* order the rearrest of the accused: *Provided,*
16 *finally,* That recidivists, habitual delinquents, escapees and persons

1 charged with heinous crimes are excluded from the coverage of this Act.
2 In case the maximum penalty to which the accused may be sentenced
3 is *destierro*, he shall be released after thirty (30) days of preventive
4 imprisonment. **FOR PURPOSES OF THIS ACT, CRIMES ARE**
5 **DEEMED HEINOUS FOR BEING GRIEVOUS, ODIOUS, AND**
6 **HATEFUL OFFENSES, AND WHICH, BY REASON OF THEIR**
7 **INHERENT OR MANIFEST WICKEDNESS, VICIOUSNESS,**
8 **ATROCITY, AND PERVERSITY ARE REPUGNANT AND**
9 **OUTRAGEOUS TO THE COMMON STANDARDS AND NORMS OF**
10 **DECENCY AND MORALITY IN A JUST, CIVILIZED, AND**
11 **ORDERED SOCIETY.**

12 **"HEINOUS CRIMES SHALL INCLUDE BUT ARE NOT LIMITED TO**
13 **TREASON, PIRACY, QUALIFIED PIRACY, QUALIFIED BRIBERY,**
14 **PARRICIDE, MURDER, INFANTICIDE, KIDNAPPING AND**
15 **SERIOUS ILLEGAL DETENTION, ROBBERY WITH VIOLENCE**
16 **AGAINST OR INTIMIDATION OF PERSONS, DESTRUCTIVE**
17 **ARSON, RAPE, PLUNDER, CARNAPPING AND VIOLATIONS OF**
18 **THE DANGEROUS DRUGS ACT AS PROVIDED UNDER REPUBLIC**
19 **ACT NO. 7659."**

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

22 "Art. 97. *Allowance for good conduct.* – The good conduct of any
23 offender qualified for credit for preventive imprisonment pursuant to
24 Article 29 of this Code, or of any convicted prisoner in any penal
25 institution, rehabilitation or detention center or any other local jail shall
26 entitle him to the following deductions from the period of his sentence:

27 1. During the first two years of imprisonment, he shall be allowed
28 a deduction of twenty days for each month of good behavior during
29 detention;

30 2. During the third to the fifth year, inclusive, of his
31 imprisonment, he shall be allowed a reduction of twenty-three days for
32 each month of good behavior during detention;

1 3. During the following years until the tenth year, inclusive, of his
2 imprisonment, he shall be allowed a deduction of twenty-five days for
3 each month of good behavior during detention;

4 4. During the eleventh and successive years of his imprisonment,
5 he shall be allowed a deduction of thirty days for each month of good
6 behavior during detention; and

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

11 An appeal by the accused shall not deprive him of entitlement to
12 the above allowances for good conduct: **PROVIDED, HOWEVER,**
13 **THAT RECIDIVISTS, HABITUAL DELINQUENTS, ESCAPEES, AND**
14 **PERSONS CONVICTED OF HEINOUS CRIMES ARE EXCLUDED**
15 **FROM THE COVERAGE OF THIS ACT.**

16 **"THE PRISON AUTHORITIES SHALL PUBLISH THE LIST OF**
17 **NAMES OF PRISONERS BEING CONSIDERED TO BE RELEASED**
18 **BY VIRTUE OF ANY OF THE GOOD CONDUCT TIME**
19 **ALLOWANCES GRANTED UNDER ARTICLES 29, 97, AND 98 OF**
20 **THIS CODE. ANY INTERESTED PARTY MAY SUBMIT WRITTEN**
21 **OBJECTIONS, COMMENTS, OR INFORMATION RELEVANT TO**
22 **THE CASE/S OF THE PRISONER/S NOT LATER THAN THIRTY**
23 **(30) DAYS FROM THE DATE OF PUBLICATION.**

24 **"THE PRISON AUTHORITIES SHALL ALSO, IF APPLICABLE,**
25 **NOTIFY THE PRIVATE OFFENDED PARTY OR IF THE LATTER IS**
26 **UNAVAILABLE OR OTHERWISE CANNOT BE LOCATED, THEIR**
27 **IMMEDIATE RELATIVES, AND GIVE THEM THIRTY (30) DAYS**
28 **TO COMMENT FROM THE RECEIPT OF NOTICE."**

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

31 "Art. 99. *Who grants time allowances.* – Whenever lawfully
32 justified, the Director of the Bureau of Corrections, the Chief of the

1 Bureau of Jail Management and Penology and/or the Warden of a
2 provincial, district, municipal or city jail shall grant allowances for good
3 conduct. [~~Such allowances once granted shall not be revoked.~~]"

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

5 **"ART. 99-A. FORFEITURE OF TIME ALLOWANCES. – IF**
6 **DURING THE TIME OF DETENTION OR IMPRISONMENT, A**
7 **PRISONER VIOLATES PRISON RULES OR COMMITS ANY**
8 **OFFENSE, ALL OR ANY PART OF THE GOOD CONDUCT TIME**
9 **ALLOWANCE EARNED MAY BE FORFEITED, UPON APPROVAL OF**
10 **THE DIRECTOR OF THE BUREAU OF CORRECTIONS, THE CHIEF**
11 **OF THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY**
12 **AND/OR THE WARDEN OF A PROVINCIAL, DISTRICT,**
13 **MUNICIPAL OR CITY JAIL, AS THE CASE MAY BE: PROVIDED,**
14 **THAT THE FORFEITURE SHALL NOT BE IMPOSED IN EXCESS OF**
15 **THE GOOD CONDUCT ALLOWANCE ACTUALLY EARNED AT THE**
16 **TIME OF FORFEITURE."**

17 Sec. 4. Article 171 of Act No. 3815, as amended, is hereby further amended to
18 read as follows:

19 "Art. 171. *Falsification by public officer, employee or notary or*
20 *ecclesiastic minister.* – The penalty of *prision mayor* and a fine not to
21 exceed One million pesos (₱1,000,000) shall be imposed upon any
22 public officer, employee, or notary who, taking advantage of his official
23 position, shall falsify a document by committing any of the following
24 acts:

- 25 1. Counterfeiting or imitating any handwriting, signature or
26 rubric;
- 27 2. Causing it to appear that persons have participated in any act
28 or proceeding when they did not in fact so participate;
- 29 3. Attributing to persons who have participated in an act or
30 proceeding statements other than those in fact made by them;
- 31 4. Making untruthful statements in a narration of facts;
- 32 5. Altering true dates;

1 6. Making any alteration or intercalation in a genuine document
2 which changes its meaning;

3 7. Issuing in an authenticated form a document purporting to be
4 a copy of an original document when no such original exists, or including
5 in such a copy a statement contrary to, or different from, that of the
6 genuine original; [or]

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

9 **9. ISSUING A FALSE CERTIFICATE OF MERIT OF SERVICE,
10 GOOD CONDUCT OR SIMILAR CIRCUMSTANCES.**

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

16 Sec. 5. Article 174 of Act No. 3815, as amended, is hereby further amended as
17 follows:

18 "Art. 174. *False medical certificates* [~~,-false certificates of merits~~
19 ~~or service, etc.~~] – The penalties of *arresto mayor* in its maximum period
20 to prison correccional in its minimum period and a fine not to
21 exceed Two hundred thousand pesos (₱200,000) shall be imposed
22 upon[÷

23 ~~1.-A]~~ Any physician or surgeon who, in connection, with the
24 practice of his profession, shall issue a false certificate[÷and

25 ~~2. Any public officer who shall issue a false certificate of merit of~~
26 ~~service, good conduct or similar circumstances].~~

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

30 Sec. 6. *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.

1 Sec. 7. *Separability Clause.* – If any portion or provision of this Act is
2 subsequently declared invalid or unconstitutional, other provisions hereof which are
3 not affected thereby shall remain in full force and effect.

4 Sec. 8. *Repealing Clause.* – All other laws, acts, presidential decrees, executive
5 orders, presidential proclamations, issuances, rules and regulations, or parts thereof
6 which are contrary to or inconsistent with any of the provisions of this Act are hereby
7 repealed, amended, or modified accordingly.

8 Sec. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its
9 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,