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SENATE

Senate Bill No. 1151

RECEIVED BY: 

INTRODUCED BY SENATOR MANNY VILLAR

EXPLANATORY NOTE

Article 97 of the Revised Penal Code discriminates against detention prisons in the sense that while under confinement they are not, unlike convicted felons, credited good conduct time allowance. Consequently, in the evacuation of their petition for parole or executive clemency where eligibility for release depends on the period of time served, the release of a detention prison is correspondingly delayed for a period equal to the good time allowance that the inmate could have earned had he been under confinement by virtue of a conviction by final judgment.

Delay in the resolution of petitions for parole or executive clemency in city and provincial jails is also encountered because good conduct time allowance, which a prisoner is supposed to earn, is not incorporated into his prison record by the warden concerned. This has been the practice since under Article 99 of the Revised Penal Code, only the Director of Prisons (now Corrections) is authorized to confer good conduct time allowance.

The bill seeks to remedy these loopholes by amending Articles 97 and 99, granting good conduct time allowance not only to convicted offenders, but also to detention prisoners, to those cases are undergoing trial, and to those who have been *finally convicted* but have other pending cases. The bill further empowers city and provincial wardens to confer, if justified, good conduct time allowance to prisoners.

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


MANNY VILLAR

10 JUL 12 19:04

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INTRODUCED BY SENATOR MANNY VILLAR

AN ACT
TO ENSURE THE FAIR AND EQUAL TREATMENT OF PRISONERS,
AMENDING FOR THAT PURPOSE ARTICLES 39, 94, 97, AND 99 OF ACT
NO. 3815, AS AMENDED, THE REVISED PENAL CODE, AND FOR OTHER
PURPOSES

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

SECTION 1. Allowance for Good Conduct of Detained Prisoners.—

The first and opening paragraph of Article 97 of the Revised Penal Code is hereby 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, shall entitle him to the following deductions from the period of his sentence:”

SECTION 2. Article 94 of the Revised Penal Code is hereby amended to read as follows:

“Art. 94. **Partial Extinction of Criminal Liability.**— Criminal liability is extinguished partially:

- “1. By conditional pardon;
- “2. By commutation of the sentence; and
- “3. For good conduct allowances which the culprit may earn while he is UNDERGOING PREVENTIVE IMPRISONMENT OR serving his sentence.”

SECTION 3. **Subsidiary Penalty.**— The first and opening paragraph of Article 39 of the Revised Penal Code is hereby amended to read as follows:

“Art. 39. **Subsidiary penalty.**— If the convict has no property with which to meet the fine mentioned in the paragraph 3 of the next preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for each [eight] ONE HUNDRED pesos, subject to the following rules:”

SECTION 4. **Who grants time allowances.**— Article 99 of the Revised Penal Code is hereby amended to read as follows:

“Art. 99. **Who grants time allowances.**— Whenever lawfully justified, the Director of [Prisons] CORRECTIONS AND THE WARDEN OF A PROVINCIAL, DISTRICT, MUNICIPAL, OR CITY JAIL shall grant allowances for good conduct. Such allowances once granted shall not be revoked.

SECTION 5. **Effectivity.**— This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved.