

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



'11 NOV 17 P2:46

S E N A T E

RECEIVED BY: Per

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COMMITTEE REPORT NO. 82

Submitted jointly by the Committees on Justice and Human Rights *and* Constitutional Amendments, Revision of Codes and Laws on NOV 17 2011.

Re: Senate Bill No. 3064.

Recommending its approval in substitution of Senate Bill Nos. 116, 1151, 1295, 2115, 2363, 2374, 2423 and 2462 taking into consideration HBN 417

Sponsor: Senator Escudero

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**MR. PRESIDENT:**

The Committees on Justice and Human Rights *and* Constitutional Amendments, Revision of Codes and Laws to which were referred S. No. 116, introduced by Senator Gregorio B. Honasan, II, entitled:

**“AN ACT  
AMENDING ARTICLE NINETY-NINE OF ACT NUMBERED THIRTY-EIGHT  
HUNDRED FIFTEEN, AS AMENDED, OTHERWISE KNOWN AS THE  
REVISED PENAL CODE”**

S. No. 1151, introduced by Senator Manny Villar, entitled:

**“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.”**

S. No. 1295, introduced by Senator Manny Villar, entitled:

**“AN ACT  
AMENDING ARTICLE 29 OF ACT NO. 3815, AS AMENDED, THE REVISED  
PENAL CODE, IN ORDER TO GIVE OFFENDERS THE FULLEST BENEFIT  
OF PREVENTIVE IMPRISONMENT AND FOR OTHER PURPOSES.”**

S. No. 2115, introduced by Senator Francis Escudero, entitled:

**“AN ACT  
AMENDING ARTICLE 98 OF ACT NO. 3815, AS AMENDED, OTHERWISE  
KNOWN AS THE REVISED PENAL CODE.”**

S. No. 2363, introduced by Senator Francis Escudero, entitled:

**“AN ACT  
PROVIDING FOR GOOD CONDUCT TIME ALLOWANCES (GCTA) TO  
DETENTION PRISONERS AND THOSE SERVING SENTENCE BY VIRTUE OF  
FINAL JUDGMENT, APPROPRIATING FUNDS THEREFOR AND FOR  
OTHER PURPOSES.”**

S. No. 2374, introduced by Senator Francis Escudero, entitled:

**“AN ACT  
GIVING OFFENDERS THE FULLEST BENEFIT OF PREVENTIVE  
IMPRISONMENT, AMENDING FOR THE PURPOSE ARTICLE 29 OF ACT NO.  
3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL  
CODE.”**

S. No. 2423, introduced by Senator Miriam Defensor-Santiago, entitled:

**“AN ACT  
GRANTING MANDATORY GOOD CONDUCT ALLOWANCE TO PRISONERS  
WHO PARTICIPATE IN LITERACY, SKILLS AND VALUES DEVELOPMENT  
PROGRAMS IN PENAL INSTITUTIONS.”**

*And* S. No. 2462, introduced by Senator Miriam Defensor-Santiago, entitled:

**“AN ACT  
AMENDING ARTICLE 97 OF ACT NO. 3815, OTHERWISE KNOWN AS THE  
REVISED PENAL CODE”**

taking into consideration H. No. 417, introduced by Reps. Angara, Rodriguez (R), De Jesus, Paez, Aggabao, Ortega (F), Gullas, Ong and Primicias-Agabas, entitled:


**“AN ACT  
GIVING OFFENDERS THE FULLEST BENEFIT OF PREVENTIVE  
IMPRISONMENT, AMENDING FOR THE PURPOSE ARTICLE 29 OF ACT NO.  
3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL  
CODE.”**

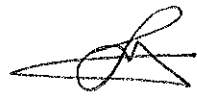
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 3064, prepared by the Committees, entitled:


**“AN ACT  
AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF ACT NO. 3815, AS  
AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE.”**


be approved in substitution of Senate Bill Nos. 116, 1151, 1295, 2115, 2363, 2374, 2423 2462, taking into consideration House Bill No. 417, with Senators Honasan, Villar, Escudero and Defensor-Santiago as authors thereof.

Respectfully submitted:


  
**SEN. MIRIAM DEFENSOR-SANTIAGO**  
Chairman,  
Committee on Constitutional Amendments,  
Revision of Codes and Laws

  
**SEN. FRANCIS G. ESCUDERO**  
Chairman,  
Committee on Justice and Human Rights

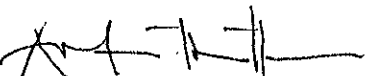
  
**SEN. EDGARDO J. ANGARA**  
Vice Chairman,  
Committee on Constitutional Amendments,  
Revision of Codes and Laws

  
**SEN. TEOFISTO GUINGONA III**  
Vice Chairman,  
Committee on Justice and Human Rights

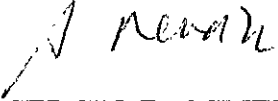
**MEMBERS:**

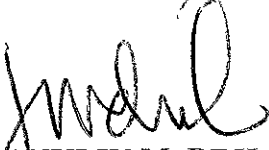
  
**SEN. MANNY VILLAR**  
Cmttees. on  
Consti. Amendments, Revision of Codes and Laws


  
**SEN. LOREN B. LEGARDA**  
Cmtte. on Justice and Human Rights


  
**SEN. ANTONIO F. TRILLANES IV**  
Cmttes. on Justice and Human Rights  
& Consti. Amendments, Revision of Codes and Laws

  
**SEN. RAMON REVILLA, JR.**  
Cmttes. on Justice and Human Rights

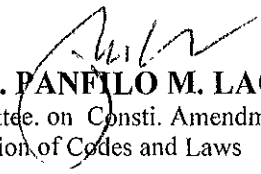
  
**SEN. SERGIO R. OSMEÑA III**  
Cmttee. on Justice and Human Rights

  
**SEN. FRANKLIN M. DRILON**  
Cmttee. on Justice and Human Rights  
& Consti. Amendments, Revision of Codes and Laws


  
**SEN. JOKER P. ARROYO**  
Cmttee. on Justice and Human Rights

  
**SEN. FRANCIS N. PANGILINAN**  
Cmttee. on Consti. Amendments,  
Revision of Codes and Laws

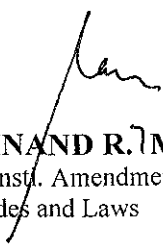
*A. Pimentel*  
**SEN. AQUILINO "KOKO" PIMENTEL, III**  
Cmttee. on Justice and Human Rights



**SEN. PANFILO M. LACSON**  
Cmmtte. on Consti. Amendments,  
Revision of Codes and Laws



**SEN. MANUEL M. LAPID**  
Cmmtte. on Consti. Amendments,  
Revision of Codes and Laws




**SEN. FERDINAND R. MARCOS, JR.**  
Cmmtte. on Consti. Amendments,  
Revision of Codes and Laws

Ex-Officio Members:



**SEN. ALAN PETER CAYETANO**  
*Senate Minority Floor Leader*



**SEN. VICENTE C. SOTTO III**  
*Senate Majority Floor Leader*



**SEN. JINGGOY EJERCITO-ESTRADA**  
*Senate President Pro-Tempore*

**HON. JUAN PONCE ENRILE**  
**Senate President**

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

Office of the Secretary

NOV 17 P2:46

SENATE  
S. No. 3064

RECEIVED

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Prepared by the Committees on Justice and Human Rights *and* Constitutional Amendments, Revision of Codes and Laws, with Senators Honasan, Villar, Escudero and Defensor Santiago, as authors thereof.

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**AN ACT**  
**AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF 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                   Sec. 1. Article 29 of Act No. 3815, as amended, otherwise known as the Revised  
2 Penal Code, is hereby further amended to read as follows:

3                   “ART. 29. *Period of preventive imprisonment deducted from term of imprisonment.* –  
4 Offenders or accused who have undergone preventive imprisonment shall be credited in  
5 the service of their sentence consisting of deprivation of liberty, with the full time during  
6 which they have undergone preventive imprisonment, if the detention prisoner agrees  
7 voluntarily [in writing] to abide by the same disciplinary rules imposed upon convicted  
8 prisoners, except in the following cases:

- 9                   1. When they are recidivists, or have been convicted previously twice or more times of  
10 any crime; and  
11                   2. When upon being summoned for the execution of their sentence they have failed to  
12 surrender voluntarily.

13                   If the detention prisoner does not agree to abide by the same disciplinary rules  
14 imposed upon convicted prisoners, he shall **DO SO IN WRITING AND SHALL** be  
15 credited in the service of his sentence with four-fifths of the time during which he has  
16 undergone preventive imprisonment.

1 Whenever an accused has undergone preventive imprisonment for a period  
2 equal to [or more than] the possible maximum imprisonment of the offense charged  
3 to which he may be sentenced and his case is not yet terminated, he shall be  
4 released immediately without prejudice to the continuation of the trial thereof or the  
5 proceeding on appeal, if the same is under review. **COMPUTATION OF**  
6 **PREVENTIVE IMPRISONMENT FOR PURPOSES OF IMMEDIATE RELEASE**  
7 **UNDER THIS PARAGRAPH, SHALL BE THE ACTUAL PERIOD OF DETENTION**  
8 **WITH GOOD CONDUCT TIME ALLOWANCE: PROVIDED, HOWEVER, THAT IF**  
9 **THE ACCUSED IS ABSENT WITHOUT JUSTIFIABLE CAUSE AT ANY STAGE OF**  
10 **THE TRIAL, THE COURT MAY MOTU PROPIO ORDER THE RE-ARREST OF THE**  
11 **ACCUSED: PROVIDED FINALLY, THAT RECIDIVISTS, HABITUAL**  
12 **DELINQUENTS, ESCAPEES AND PERSONS CHARGED WITH HEINOUS**  
13 **CRIMES ARE EXCLUDED FROM THE COVERAGE OF THIS ACT.** In case the  
14 maximum penalty to which the accused may be sentenced is *destierro*, he shall be  
15 released after thirty (30) days of preventive imprisonment.

16 **CREDIT FOR PREVENTIVE IMPRISONMENT FOR THE PENALTY OF**  
17 **RECLUSION PERPETUA SHALL BE DEDUCTED FROM THIRTY (30) YEARS."**

18 Sec. 2. Article 94 of the same Act is hereby further amended to read as follows:

19 "ART. 94. *Partial extinction of criminal liability.* – Criminal liability is  
20 extinguished partially:

- 21 1. By conditional pardon;
- 22 2. By commutation of the sentence; and
- 23 3. For good conduct allowances which the culprit may earn while he is **UNDERGOING**  
24 **PREVENTIVE IMPRISONMENT OR** serving his sentence."

25 Sec. 3. Article 97 of the same Act is hereby further amended to read as follows:

26 "ART. 97. *Allowance for good conduct.* – The good conduct of any **OFFENDER**  
27 **QUALIFIED FOR CREDIT FOR PREVENTIVE IMPRISONMENT PURSUANT TO**  
28 **ARTICLE 29 OF THIS CODE, OR OF ANY CONVICTED** prisoner in any penal  
29 institution, **REHABILITATION OR DETENTION CENTER OR ANY OTHER LOCAL**  
30 **JAIL**, shall entitle him to the following deductions from the period of his sentence:

- 31 1. During the first two years of imprisonment, he shall be allowed a deduction of [five]  
32 **TWENTY** days for each month of good behavior;
- 33 2. During the third to the fifth year, inclusive, of his imprisonment, he shall be allowed a  
34 deduction of [eight] **TWENTY-THREE** days for each month of good behavior;



1 3. During the following years until the tenth year, inclusive, of his imprisonment, he  
2 shall be allowed a deduction of [ten] **TWENTY-FIVE** days for each month of good  
3 behavior; and

4 4. During the eleventh and successive years of his imprisonment, he shall be allowed a  
5 deduction of [fifteen] **THIRTY** days for each month of good behavior.

6 **5.) AT ANY TIME DURING THE PERIOD OF IMPRISONMENT, HE SHALL BE**  
7 **ALLOWED ANOTHER DEDUCTION OF FIFTEEN DAYS, IN ADDITION TO**  
8 **NUMBERS ONE TO FOUR HEREOF, FOR EACH MONTH OF STUDY, TEACHING**  
9 **OR MENTORING SERVICE TIME RENDERED.**

10 **AN APPEAL BY THE ACCUSED SHALL NOT DEPRIVE HIM OF**  
11 **ENTITLEMENT TO THE ABOVE ALLOWANCES FOR GOOD CONDUCT.”**

12 Sec. 4. Article 98 of the same Act is hereby further amended to read as follows:

13 “ART. 98. *Special time allowance for loyalty.* –A deduction of one fifth of the  
14 period of his sentence shall be granted to any prisoner who, having evaded the service  
15 of his sentence under the circumstances mentioned in Article 158 of this Code, gives  
16 himself up to the authorities within 48 hours following the issuance of a proclamation  
17 announcing the passing away of the calamity or catastrophe referred to in said article. **A**  
18 **DEDUCTION OF TWO-FIFTHS OF THE PERIOD OF HIS SENTENCE SHALL BE**  
19 **GRANTED IN CASE SAID PRISONER CHOSE TO STAY IN THE PLACE OF HIS**  
20 **CONFINEMENT NOTWITHSTANDING THE EXISTENCE OF A CALAMITY OR**  
21 **CATASTROPHE ENUMERATED IN ARTICLE 158 OF THIS CODE.”**

22 Sec. 5. Article 99 of the same Act is hereby further amended to read as follows:”

23 “ART. 99. *Who grants time allowances.* – Whenever lawfully justified, the  
24 Director of [Prisons] **THE BUREAU OF CORRECTIONS, THE CHIEF OF THE**  
25 **BUREAU OF JAIL MANAGEMENT AND PENOLOGY AND/OR THE WARDEN OF A**  
26 **PROVINCIAL, DISTRICT, MUNICIPAL, OR CITY JAIL** shall grant allowances for good  
27 conduct. Such allowances once granted shall not be revoked.

28 Sec. 6. *Penal Clause.* Faithful compliance with the provisions of this Act is  
29 hereby mandated. As such, the penalty of one (1) year imprisonment, a fine of One  
30 Hundred Thousand Pesos (P100,000.00) and perpetual disqualification to hold office  
31 shall be imposed against any public officer or employee who violates the provisions of  
32 this Act.

1                    *Sec. 7. Implementing Rules and Regulations.* The Secretary of the Department  
2 of Justice (DOJ) and the Secretary of the Department of Interior and Local Government  
3 (DILG) shall, within sixty (60) days from the approval of this Act, promulgate rules and  
4 regulations on the classification system for good conduct time allowances as may be  
5 necessary to implement the provision of this Act.

6                    *Sec. 8. Separability Clause.* If any part hereof is held invalid or unconstitutional,  
7 the remainder of the provision not otherwise affected shall remain valid and subsisting.

8                    *Sec. 9. Repealing Clause.* Any law, presidential decree or issuance, executive  
9 order, letter of instruction, administrative order, rule or regulation contrary to or  
10 inconsistent with, the provisions of this Act is hereby repealed, modified or amended  
11 accordingly.

12                    *Sec. 10. Effectivity Clause.* This Act shall take effect fifteen (15) days from its  
13 publication in the Official Gazette or at least two (2) newspapers of general circulation.

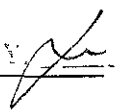
*Approved,*

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

Office of the Secretary

11 NOV 17 P 3:07

**S E N A T E**

RECORDED BY 

**COMMITTEE REPORT NO. 83**

Submitted by the Committee on Justice and Human Rights on  
NOV 17 2011

Re: S. No. 2107

Recommending its approval without amendment, taking into consideration  
S.No. 2388

Sponsor: Senator Escudero

**MR. PRESIDENT:**

The Committee on Justice and Human Rights, to which was referred  
S. No. 2107, introduced by Senator Francis G. Escudero entitled:

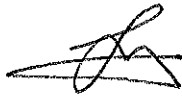
**“AN ACT  
AMENDING ARTICLE 177 OF ACT NO. 3815, AS  
AMENDED, OTHERWISE KNOWN AS THE REVISED  
PENAL CODE”**

taking into consideration S.No. 2388, introduced by Senator Jinggoy  
Ejercito-Estrada, entitled:

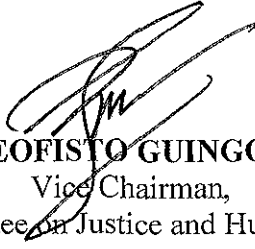
**“AN ACT  
AMENDING ARTICLE 177 OF ACT NO. 3815 AS  
AMENDED, OTHERWISE KNOWN AS THE REVISED  
PENAL CODE”**

has considered the same and has the honor to report it back to the Senate  
with the recommendation that S.No. 2107 be approved without amendment,  
taking into consideration S. No. 2388, with Senators Escudero and Estrada  
as authors thereof.

Respectfully submitted:

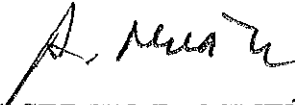


**SEN. FRANCIS G. ESCUDERO**  
Chairman,  
Committee on Justice and Human Rights



**SEN. TEOFISTO GUINGONA III**  
Vice Chairman,  
Committee on Justice and Human Rights

**MEMBERS:**



**SEN. SERGIO R. OSMEÑA III**



**SEN. ANTONIO F. TRILLANES IV**



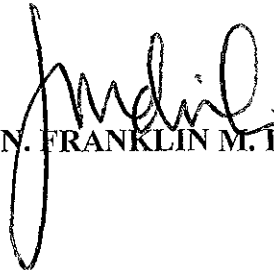
**SEN. MANNY VILLAR**



**SEN. LOREN B. LEGARDA**



**SEN. RAMON REVILLA, JR.**



**SEN. FRANKLIN M. DRILON**



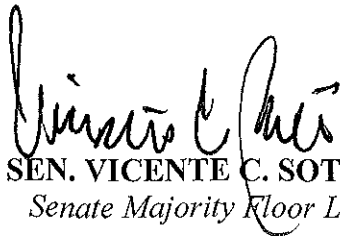
**SEN. JOKER P. ARROYO**

*A. Pimentel* (with minor amendments)  
SEN. AQUILINO "KOKO" PIMENTEL, III

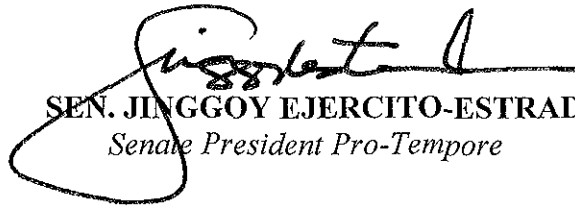
Ex-Officio Members:



**SEN. ALAN PETER CAYETANO**  
*Senate Minority Floor Leader*



**SEN. VICENTE C. SOTTO III**  
*Senate Majority Floor Leader*



**SEN. JINGGOY EJERCITO-ESTRADA**  
*Senate President Pro-Tempore*

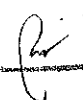
**HON. JUAN PONCE ENRILE**  
**Senate President**

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

SENATE  
OFFICE OF THE SECRETARY

TO JUL 27 1935

SENATE

RECEIVED BY: 

S. B. No. 2107

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Introduced by Senator FRANCIS G. ESCUDERO

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EXPLANATORY NOTE

Article 177 of the Revised Penal Code (Act No. 3815, as amended) may be committed in two ways:

- (a) By knowingly and falsely representing oneself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government.
  
- (b) By performing any act pertaining to any person in authority or public officer of the Philippine Government or of foreign government or any agency thereof, under pretense of official position, and without being lawfully entitled to do so.

It is common that private individuals pretend to be police officers in perpetrating serious crimes like kidnapping or serious illegal detention to avoid resistance from their victims. Worse, many also complain of actual officials who are performing acts pertaining to another person in authority or officer of the government under pretense of official position even if he is not lawfully entitled to do so.

Such falsities, misrepresentations and/or usurpation of authority as defined in the aforementioned Revised Penal Code provision, should be treated more seriously by providing a heavier penalty. Presently, the penalty imposed is prison correccional in its minimum and medium periods. This is equivalent to imprisonment of six months and one day to two years and four months up to four years and two months.

The authors submit that the penalty imposed is not commensurate to the kind of offense committed and the damage that may be incurred by the victim, especially if the perpetrator is a public official.

This bill seeks to amend Article 177 of the Revised Penal Code, as amended by increasing the penalty provided therein to prison mayor in its minimum and medium periods. Should the offender be a public official, the penalty to be imposed shall be prison mayor in its maximum period. In the light of the foregoing considerations, passage of this bill is earnestly sought.




FRANCIS G. ESCUDERO

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

SENATE  
OFFICE OF THE SECRETARY  
JUL 27 1935

SENATE

S. B. No. 2107

RECEIVED BY: 

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Introduced by Senator FRANCIS G. ESCUDERO

---

AN ACT  
AMENDING ARTICLE 177 OF 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 177 of Act. No. 3815, as amended, is hereby further  
2 amended to read as follows:

3                   “ART. 177 *Usurpation of authority or official functions.* Any person who shall  
4 knowingly and falsely represent himself to be an officer, agent or representative  
5 of any department or agency of the Philippine Government or of any foreign  
6 government, or who, under pretense of official position, shall perform any act  
7 pertaining to any person in authority or public officer of the Philippine  
8 Government or of any foreign government, or any agency thereof, without being  
9 lawfully entitled to do so, shall suffer the penalty of [prison correctional]  
10 **PRISON MAYOR** in its minimum and medium periods: PROVIDED, THAT IF  
11 THE OFFENDER IS A PUBLIC OFFICIAL, THE PENALTY TO BE IMPOSED  
12 SHALL BE IN ITS MAXIMUM PERIOD.”

13           **SEC 2. Repealing Clause.** All laws, decrees, ordinances, rules and regulations,  
14 executive or administrative orders, and other presidential issuance inconsistent with  
15 this Act, are hereby repealed, amended or modified accordingly.

16           **SEC 3. Effectivity.** This Act shall take effect fifteen (15) days following its  
17 publication in at least (2) newspapers of general circulation.

18           Approved,



SENATE

Senate Bill No. 2388

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

This bill seeks to amend Article 177 of the Revised Penal Code, as amended by increasing the penalty for falsities, misrepresentations and/or usurpation of authority to *prision mayor* in its minimum and medium periods. If the offender is a public official, the penalty to be imposed shall be *prision mayor* in its maximum period. At present, the penalty is *prision correccional* in its maximum and medium periods which is equivalent to imprisonment of six months and one day to two years and four months up to four years and two months.

Article 177 may be violated thru (a) by knowingly and falsely representing oneself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government; (b) by performing any act pertaining to any person in authority or public officer of the Philippine Government or of foreign government or any agency thereof, under pretense of official position and without being lawfully entitled to do so.

This measure is a consolidated/substituted bill drafted by the Committee on Justice and Human Rights during the 14<sup>th</sup> Congress.

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

  
JINGGOY EJERCITO ESTRADA  
Senator

SENATE

Senate Bill No. 2388

---

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

---

AN ACT  
AMENDING ARTICLE 177 OF 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:*

**SECTION 1.** Article 177 of Act No. 3815, as amended, is hereby further amended to read as follows:

*"ART. 177. Usurpation of authority of official functions.*  
Any persons who shall knowingly and falsely represent himself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government, or who under pretence of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or of any foreign government, or any agency thereof, without being lawful entitled to do so, shall suffer the penalty of [prison correctional] **PRISION MAYOR** in its minimum and medium periods: PROVIDED, THAT IF THE OFFENDER IS A PUBLIC OFFICIAL, THE PENALTY TO BE IMPOSED SHALL BE IN ITS MAXIMUM PERIOD."

**SEC. 2. Repealing Clause.** – All laws, decrees, ordinances, rules and regulations, executive or administrative orders, and other presidential issuances inconsistent with this Act, are hereby repealed, amended or modified accordingly.

**SEC. 3. Effectivity.** – This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

*Approved,*