



SENATE
P. S. RES. No. 123

'19 SEP -3 P3 :14

Introduced by SENATOR RONALD "BATO" DELA ROSA

RESOLUTION
URGING THE DEPARTMENT OF JUSTICE AND DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT TO REVIEW, AMEND, AND MODIFY THE ISSUED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10592 TO REFLECT THE LEGISLATIVE INTENT OF THE CONGRESS WITH THE END IN VIEW OF UPHOLDING THE IMPARTIAL DELIVERY OF JUSTICE

WHEREAS, on May 29, 2013, then President Benigno Simeon Aquino III signed into law Republic Act No. 10592 or "An Act Amending Articles 29, 94, 97, 98, and 99 of Act No. 3815, as amended, otherwise known as the Revised Penal Code. The law provides for longer deductible time allowance for good conduct, time allowance for study, teaching and mentoring, and special time allowance for loyalty;

WHEREAS, the Department of Justice (DOJ) and the Department of Interior and Local Government (DILG) issued the Implementing Rules and Regulations (IRR) of Republic Act No. 10592 on March 26, 2014;

WHEREAS, the Supreme Court in a decision promulgated on June 15, 2019 declared invalid the prospective application of Section 4 of the IRR of Republic Act No. 10592 as stated in the Implementing Rules and Regulations issued jointly by the DOJ and DILG;

WHEREAS, as a result of the decision of the Supreme Court on the retroactive application of Republic Act No. 10592, news reports on alleged release of convicted heinous crime offenders started to circulate;

WHEREAS, former Calauan, Laguna Mayor Antonio Sanchez who has been sentenced by final judgment to suffer seven (7) *reclusion perpetua* for the crime of rape with homicide has been reported to have been approved and will be allowed for release by virtue of the retroactive application of Republic Act No. 10592;

WHEREAS, the Senate investigation, in aid of legislation, thru the Committee on Justice and Human Rights, revealed the misinterpretation and possible confusion on the legislative intent and rationale of the DOJ and DILG thru its issued IRR on the enactment of Republic Act No. 10592;

WHEREAS, in the case of ABAKADA Guro Partylist vs. Purisima, G. R. No. 166715 promulgated on August 14, 2008, declared that "As such, they (IRR) have the force and effect of law and enjoy the presumption of constitutionality and legality until they are set aside with finality in an appropriate case by a competent court. Congress in the guise of assuming the role of an overseer, may not pass upon their legality by subjecting them to its stamp of approval without disturbing the calculated balance of powers established by the Constitution."

WHEREAS, to ensure the inviolable principle of separation of powers, the Congress may only express its sense on the possible misinterpretation of the executive branch of the government on the legislative intent of any enacted laws.

RESOLVED BY THE SENATE, as it is hereby resolved, by the Philippine Senate, to urge the Department of Justice and Department of Interior and Local Government to review, amend and modify the issued Implementing Rules and Regulation of Republic Act No. 10592 to reflect the legislative intent of the Congress with the end in view of upholding the impartial delivery of justice.

Adopted,


RONALD "BATO" DELA ROSA