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IMPLEMENT RULES AND REGULATIONS OF REPUBLIC ACT NO. 10592, OTHERWISE KNOWN AS “AN ACT AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PEN...

DOJ REPUBLIC ACT NO. 10592, March 26, 2014

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Pursuant to Section 7 of Republic Act No. 10592 entitled as "An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, Otherwise Known as The Revised Penal Code, As Ameded," the following Implementing Rules and Regulation (IRR) are hereby promulgated:

RULE I
GENERAL PROVISIONS

Section 1. Title.- These Rules shall be referred to as the "Implementing Rules and Regulations" of Republic Act No. 10592.

Section 2. Scope and Application.- These Rules shall apply to any prisoner, whether under detention or convicted by final judgment, in a local jail, rehabilitation or detention center or in a penal Institution.

Section 3. Construction.- These Rules shall be construed liberally in favor of a detained or convicted prisoner.

Section 4. Prospective Application. - Consideration tha these Rules provided for new procedures and standards of behavior for the grant of good conduct time allowance as provided in Section 4 of Rule V hereof and require the creation of a Management, Screening and Evaluation Committee (MSEC) as provided in Section 3 of the same Rule, the grant of good conduct time allowance under Republic Act No. 10592 shall be prospective in application.

The Grant of time allowance of study, teaching and mentoring and of special time allowance for loyalty shall also be prospective in application as these privileges are likewise subject to the management, screening and evaluation of the MSEC.

RULE II
OBJECTIVES

Section 1. Objectives. - The credit for preventive imprisonment, as well as the increase in the time allowance granted for good conduct and exemplary services rendered or for loyalty, seek to:

- redeem and uplift valuable human materials towards economic and social usefulness;

- level the field of opportunity by giving an increased time allowance to motivate prisoners to pursue a productive and law-abiding life; and

- implement the state policy of restorative and compassionate justice by promoting the reformation and rehabilitation of prisoners, strengthening their moral fiber and facilitating their successful reintegration in the mainstream of society.

RULE III
DEFINITION OF TERMS

SECTION 1. Definition of Terms.- As used herein, the following terms shall mean:

- "Act" - shall refer to Act No. 3815, otherwise known as the Revised Penal Code, as amended;

- "Accused" - an offender who is under detention and against whom a Criminal Complaint or Prosecutor's Information has been filed in a court law;

- "BJMP" - Bureau of Jail Management and Penology;

- "BUCOR" - Bureau of Corrections

- "Chief" - Chief of BJMP;

- "Commitment Order" - a written order of a court of law or any other competent authority committing a person to jail or prison for confinement;

- "Convicted Prisoner" - a person who has undergone trial and who has been convicted by a final judgment by a court of law or tribunal, for the felony or offense he committed;

- "Correctional Facility" - a prison or jail;

- "Counsel" - a lawyer tasked or requested to assist a detention prisoner in explaining the provisions of Article 29 of the Revised Penal Code regarding the benefit of credit for preventive imprisonment;

- "Destierro" - a penalty in which a person shall not be permitted to enter the place or places designated in the sentence, or within the radius therein specified, which shall not be more than 250 and not less than 25 kilometers from the place designated;

- "Detainee" - an offender who is accused before a court of law or competent authority who is under preventive imprisonment or temporarily confined in jail or prison will undergoing investigation or trial or awaiting final judgment;

- "Detainee's Manifestation" - a written declaration of a detained prisoner, with the assistance of a counsel, to abide by the same disciplinary rules imposed upon a prisoner for the purpose of availing the full credit of the period of his preventive imprisonment;

- "Detainee's Waiver" - a written declaration of a detained prisoner, with the assistance of a counsel, stating his refusal to abide by the same disciplinary rules imposed upon a convicted by final judgment and thus be entitled to a credit of four-fifths (4/5) of the time during his preventive imprisonment;

- "Director - Director of the BUCOR;

- "Felony" - an act or omssion defined and penalized under the provisions of the Revised Penal Code, as ameded;

- "Good Conduct" - refers to the conspicuous and satisfactory behaviour of a detention or convicted prisoner consisting of active involvement in rehabilitation programs, productive participation in authorized work activities or accomplishment of exemplary deeds coupled with faithful obedience to all prison/jail rules and regulations;

- "Good Conduct Time Allowance" (GCTA) - a priviledge granted to a prisoner, whether detained or convicted by final judgment, entitling him to a reduction of his jail or prison term for every month of actual detention or service of sentence as a reward for good conduct and exemplary behavior;

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- "Habitual Delinquent" - a person who, within a period of ten (10) years from the date of release from prison or last conviction of the crimes of serious or less serious physical injuries, robbery, theft, estafa, and falsification, is found guilty of any of said crimes a third time or oftener;

- "Jail" - a detention or correctional facility managed by the BJMP or the local government unit mandated by law to safekeep and rehabilitate a prisoner who is under preventive imprisonment or who is sentenced to not more than three (3) years of imprisonment by order of a court of law or competent authority;

- "Offense" - a criminal act defined and penalized by special law;

- "Operations Manual" - also referred to as "Manual of Operations", a document of all pertinent issuances and laws which deal with the adminsration and management of jail or prison and the treatment and discipline of a prisoner in a detention or correctional facility;

- Preventive Imprisonment" - is a tempory confinement in jail or prison while undergoing investigation or trial awaiting final judgment;

- "Prison" - any correctional facility managed by the BUCOR to safekeep and rehabilitate a prisoner convicted by the final judgment, whose sentence exeeeds three (3) years, or who is sentenced to serve two (2) or more prison, terms and whose aggregated sentences exceed three (3) years;

- "Proper Authority" - shall refer either to:

- The Secretary of the Department of Justice (for the BUCOR), or

- The Secretary of the Department of the Interior and Local Government (for the BJMP), or

- The Provincial Governor (for the Provincial Jails).

- "Recidivist" - a person who, at the time of his trial for one crime, shall have been previously convicted by final judgment of another crime embraced the same title of the Revised Penal Code, as amended.

- "Special Time Allowance for Loyalty" (STAL) - a privilege granted to a prioner, whether detained or convicted by final judgment, who has evaded preventive imprisonment or service of sentence under the circumstances cited in Article 158 of the Revised Penal Code, as amended, and surrendered to the authorities within forty-eight (48) hours following the proclamation announcing the passing away of the calamity or catastrophe referred to in the said article in the form of a deduction of

aa.

"Time Allowance for Study, Teaching and Mentoring - a privilege granted to a prisoner, whether detained or convicted by final judgment, as a reward for having earned a post-graduate degree or college degree, a certificate of completion of a vocational or technical skills or values development course, a high school or elementary diploma or to one serving his fellow prisoner as teacher or mentor while incarcerated, equivalent to a deduction of a maximum of fifteen (15) days for every month of study or mentoring services; and

ab.

"Warden" - the head of the district, municipal and city jails under the BJMP or of the provincial and sub-provincial jails under the Office of the Provincial Governor.

RULE IV

THE BENEFITS OF CREDIT FOR PREVENTIVE IMPRISONMENT (CP)

Section 1. Duty to Inform Detainees of the Credit for Preventive Imprisonment. - It shall be the duty of the Chief of the BJMP, Jail Wardent or Director of the BUCOR having custody of the detention prisoner to inform him that the period of his preventive imprisonment shall be deducted from the term of his imprisonment in accordance with Article 29 of the Revised Penal Code, as amended.

Section 2. Who are Entitled. - An accused who has undergone preventive imprisonment shall be credited, either full or four-fifths (4/5) term, for his actual detention or service of his sentence, provided he is not disqualified under Article 29 of the Revised Penal Code, as amended, and under the following section.

Section 3. Who are Disqualified. - the grant of credit of preventive imprisonment shall not apply to the following:

- An accused who is a recidivist as defined under Article 14 (9), Chapter III, Book I of the Revised Penal Code.

- An accused who has been convicted previously twice or more times of any crime; and

- An accused who, upon being summoned for the execution of his sentence, has failed to surrender voluntary before a court of law.

Section 4. Effect of Detainee's Manifestation. - An accused who has undergone preventive imprisonment shall be credited with the full time during which he has undergone preventive imprisonment if:

- He agrees voluntarily, in writing, to abide by the same disciplinary rules imposed upon convicted prisoners; and

- Such undertaking is executed with the assistance of a counsel.

Section 5. Effect of Detainee's Waiver.- An accused who has undergone preventive imprisonment and who does not agree to abide by the same disciplinary rules imposed upon prisoners convicted by final judgment shall be credited in the service of his sentence with four-fifth (4/5) of the time during which he has undergone preventive imprisonment if:

- He shall do so in writing; and

- With the assistance of counsel.

Section 6. Provisional Release While Under Preventive Imprisonment. -

- Whenever an accused has undergone preventive for a period equal to the imposable maximum imprisonment of the offense charged to which he may be sentenced and his case is not yet decided, he shall be released immediately without prejudice to the continuation of the trial thereof or the proceeding on appeal, if the same is under review, except for the following: 1. Recidivist
2. Habitual Delinquent
3. Escapee
4. Person charged with heinous crimes

- If the maximum penalty to which the accused may be sentenced is destierro, he shall be released after thirty (30) days of preventive imprisonment.

The computation of preventive imprisonment for purposes of immediate release shall be the actual period of detention with good conduct time allowance: provided, however, that if the accused is absent without justifiable cause at any stage of the trial, the court may motu proprio order the re-arrest of the accused.

Section 7. GCTA of an Accused Qualified for CPI. - An accused who is qualified for credit for preventive

imprisonment shall also be qualified to avail of the benefit of good conduct time allowance provided for under Article 97 of the Revised Penal Code, as amended, and pursuant to the procedures laid down in Rule V hereof.

Section 8. Deduction for Credit for Preventive Imprisonment when Imposable Penalty is Reclusion Perpatua. - Credit for preventive imprisonment for the penalty of reclusion perpetua shall be deducted from thirty (30) years.

RULE V
GOOD CONDUCT TIME ALLOWANCE
(GCTA)

Section 1. Who are Entitled. - The good conduct for the following shall entitle them to the deductions describe in Section 2 hereunder from their sentence as good conduct time allowance (GCTA) pursuant to Artticle 29 of the Revised Penal Code, as amended, and to Sections 2 to 8 hereof;

- A detention prisoner qualified for credit for prevention imprisonment for his good conduct and exemplary behavior; and

- A prisoner convicted by the final judgment in any other local jail for his good conduct and exemplary behavior.

Section 2. Deductible Good Conduct Time Allowance. - A qualified prisoner, whether detained or convicted by final judgment, shall be entitled to the following deductions from his sentence for good conduct;

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

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

- During the following years until the tenth years, inclusive of his imprisonment he shall be allowed a reduction of twenty-three days for each month of good behavior during detention; and

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

Section 3. Management, Screening and Evaluation Committee (MSEC) -

- The Director of the BUCOR, Chief of the BJMP and Wardens of various provinces, cities, districts and municipalities are mandated to assess, evaluate and grant time deduction to a deserving prisoner, whether detained or convicted by final judgment, in the form of GCTA, STAL and TASTM as prescribed by these Rules through the creation of the MSEC.

- The composition of the MSEC shall be determined by the Director of the BUCOR, Chief of the BJMP or Wardens of Provincia; and Sub-Provincial, District, City and Municipal Jails, respectively. Membership shall not be less than five (5) and shall include a Probation and Parole Officer, and if available, a psychocologist and a social worker.

- The MSEC shall prepare minutes of every meeting to record each proceeding.

Section 4. Procedures for the Grant of Good Conduct Time Allowance. - The following procedures shall be followed in the grant of GCTA:

- The BUCOR, BJMP and Provincial Jails shall give special considerations to statisfactory behaviour of a detention or convicted prisoner consisting of active involvement in rehabilitation programs, productive participation in authorized work activities or accomplishment of exemplary deeds. It is understood that in all

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instances, the detained or convicted prisoner must faithfully obey all prison/jail rules and regulations;

- The BUCOR, BJMP and Provincial Jails shall each create the MSEC or such appropriate number of MSECs tasked to manage, screen and evaluate the behavior or conduct of a detention or convicted prisoner;

- After due consideration of the behavior or conduct shown by a detained or convicted prisoner, the MSEC shall then recommend to the appropriate official the appropriate GCTA that may be credited in favor of said prisoner ranging from the minimum of the allowable credit to the maximum credit thereof;

- Acting on the recommendation of the MSEC, the appropriate official name in Section 1 of Rule VII hereof shall either;

- Approve the recommendation and issue a certification granting GCTA to the prisoner for the particular period;

- Disapprove the recommendation if the prisoner recommended is not qualified to be granted the benefit or the errors or irregularities attended the evaluation of the prisoner; or

- Return the recommendation, without action, for corrections as regards the name, prison number or other clerical or inadvertent errors, or for the furhter evaluation of the conduct or behavior of the prisoner concerned.

- The approriate official concerned shall ensure that GCTAs are processed each month and that there is proper recording of a prisoner's good behavior in the jail or prison records.

Section 5. Computer Template and Manual. - The BUCOR, BJMP and Provincial Jails shall design and use a computer-generated or automated template to monitor the progress of detainees or prisoners convicted by final judgment capable of incorporating time allowances that may be granted to each of them. In addition, a written computation table or manual of preventive imprisonment or service of sentence incorporate time allowances shall be prepared and used as the primary official reference by the BUCOR, BJMP and Provincial Jails.

Section 6. Time Allowance for Study, Teaching and Mentoring (TASTM) - At any time during the period of imprisonment, an accused or prisoner convicted by final judgment shall be allowed, in addition to the benefits provided for under Section 2, Rule V, another deduction of fifteen (15) days, for each month of his time rendered for -

- Study;

- Teaching; or

- Mentoring service

Section 7. Procedures for the Grant of TASTM. -

- The BUCOR, BJMP and Provincial Jails shall each keep a master list of detainees or prisoners convicted by final judgment, who have been allowed, subject to their respective jail or prison rules, to study, teach or perform mentoring activities within their respective detention or prison facility;

- The MSEC shall be tasked to monitor and certify whether said prisoner, for the period covered, has actually studied, taught or performed mentoring duties;

- If a prisoner is qualified, the MSEC shall recommend to the concerned officials the grant of TASTM who shall approve the same by issuing a corresponding certification.

Section 8. Effect When Case of an Accused is on Appeal. - An appeal by the accused shall not deprive him of his entitlement to the time allowances.

RULE VI
SPECIAL TIME ALLOWANCE FOR LOYALTY
(STAL)

Section 1. Special Time Allowance for Loyalty. -

- A deduction of one-fifth (1/5) of the period of his sentence shall be granted to any prisoner who, having evaded his preventive imprisonment or the service of his sentence under the circumtances mentioned in Article 158 of the Revised Penal Code, gives himself up to the authorities within forty-eight (48) hours following the issuance of a proclamtion announcing the passing away of the calamity or catastrophe referred to in said article.

- A deduction of two-fifths (2/5) of the period of his sentence shall be granted in case said prisoner chose to stay in the place of his confinement notwithstanding the existence of a calamity or catastrophe enumerated in Article 158 of the Revised Penal Code.

Provided, that he has not committed other offense or any act in violation of the law or the Act.

RULE VII
PARTIAL EXTINCTION OF CRIMINIAL LIABILITY

Section 1. Partial Extinction of Criminal Liability. - Criminal liability is extinguished partially;

- By conditional pardon;

- By commutation of sentence; and

- For good conduct allowances which the culprit may earn while he is undergoing preventive imprisonment or serving sentences.

RULE VIII
OFFICIALS AUTHORIZED TO GRANT TIME ALLOWANCES

Section 1.Who Grants Time Allowances. - Whenever lawfully justified, the following official shall grant allowances for good conduct:

- Director of the Bureau of Corrections;

- Chief of the Bureau of Jail Management and Penology; and/or

- Warden of a Provincial, District, City of Municipal Jail.

Section 2.Irrevocability of Time Allowances. - Allowances such as GCTA, TASTM and STAL, one granted by the authorized official, shall not be revoked.

RULES IX
OPERATION MANUEL

Section 1.Manual. - The BUCOR, the BJMP and the Provincial Jails shall provide and each have their own new manual to guide them in the effective implementation and carry out the mandate of Republic Act No. 10592 and these Rules.

RULE X
FINAL PROVISION

Section 1.Penal Clause. - Faithful compliance with the provisions of Republic Act No. 10592 and these Rules is

mandated. The penalty of one (1) year imprisonment, a fine of One Hundered Thousand Pesos (P100,000.00) and perpetual disqualification to hold office shall be imposed against any public officer or employee who violates the provisions of the Rule.

Section 2.Separability Clause. - If any provision of these Rules shall be declared invalid or unconstitutional, the remaining provisions not otherwise affected shall remain valid and subsisting.

Section 3.Repealing Clause. - All policies, issuances, rules and regulations inconsistent with these Rules are hereby modified or repealed accordingly.

Section 4.Effectivity Clause. - These Rules shall take effect fifteen (15) days after the date of its publication in a newspaper of general circulation in the Philippines.

Done this 26th of March 2014 at Quezon City, Philippines.

(Sgd.) Hon. LEILA M. DE LIMA
Secretary of Justice

(Sgd.) Hon. MANUEL A. ROXAS II
Secretary of Interior and Local Government

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