

REVOCATION OF FORMER ACTING SECRETARY DEVANADERA'S 2ND INDORSEMENT, WHICH AMENDED SECTIONS 6(B), 7(A) AND 7(B) OF CHAPTER 3, PART II OF THE BUREAU OF CORRECTIONS OPERATING MANUAL

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Former Acting Secretary Agnes VST Devenadera's 2nd Indorsement, dated 5 November 2009, addressed to the Director, Bureau of Corrections ("BuCor"), approved amendments to Sections 6(b), 7(a) and 7(b) of Chapter 3, Part II of the Bureau of Corrections (BuCor) Operating-Manual (the "BuCor Manual"), to wit:

"xxx Accordingly, Section 6, par. b and Section 7 pars, a & b, Chapter 3, Part II of the BUCOR Operating Manual shall now read as follows:

"SEC. 6. Colonist. - xxx

"b. Has served imprisonment with good conduct for a period equivalent to one-fifth (1/5) of the maximum term of his prison sentence, or five (5) years (formerly 7 years) in the case of life sentence and those whose sentence were computed as definite forty (40) years xxx

"SEC. 7. Privileges of a Colonist. - A colonist shall have the following privileges:

"a. Credit of an additional GCTA often (10) days for each calendar month while he retains said classification aside from the regular GCTA authorized under Article 97 of the Revised Penal Code

"b. Automatic reduction of sentence to thirty (30) years for colonists imposed with the life sentence, or whose sentence were computed as definite forty (40) years; xxx" (Emphasis supplied)

is hereby revoked in its entirety, which revocation shall have the effect of re-instating the provisions to their previous formulation prior to the issuance of said 2nd Indorsement, to wit:

"Sec. Colonist. - The Director may, upon the recommendation of the Classification Board, classify an inmate who has the following qualifications as a colonist:

xxx xxx xxx

"b. has served imprisonment with good conduct for a period equivalent to one fifth (1/5) of the maximum term of his prison sentence, or seven (7) years in the case of a life sentence.

"Sec 7- Privileges of a colonist - Acolonist shall have the following principles:

"a. credit of an additonal GCTA of five (5) days for each calendar month while he retains said classification aside from foe regular GCTA authorized under Article 97 of the Revised Penal Code:

"b. automatic reduction of the life sentence imposed on the colonist to a sentence of thirty (30) years;

"c. xxx"

This revocation is being effected, upon approval by His Excellency, President Benigno S. Aquino HI, for the reason that the amendments effected by the 2nd Indorsement violate the legal principle that implementing rules

and regulations cannot alter the substance of a law or go beyond its provisions (*People v. Lim*, 108 Phil. 1091). Particularly, the amendments to subparagraphs (a) and (b) of Section 7 resulted in the grant of privileges beyond those provided by substantive laws, including the Revised Penal Code. On the other hand, the amendment made to Section 6(b) is being revoked for policy considerations, specifically, that it is more consistent with the corrective goal of our penal system if the minimum qualification for the grant of colonist status to an inmate is kept at the original seven-year requirement.

The foregoing revocation and the resulting changes to the BuCor Manual shall take effect after the lapse of fifteen (15) days following the publication of this Department Circular in a newspaper of general circulation.

Let copies of this Resolution be likewise sent to the Office of the President through the Executive Secretary and to the University of the Philippines Law Center.

Adopted: 09 August 2011

(SGD.) LEILA M.DE LIMA
Secretary

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