

2019 REVISED RULES AND REGULATIONS OF REPUBLIC ACT NO.10592, (AN ACT AMENDING ARTICLES 29, 94, 97, 98, AND 99 OF ACT NO.3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE)

REVISED IRR of REPUBLIC ACT NO. 10592, September 19, 2019

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Rule I

GENERAL PROVISIONS

Section 1. Title. These Rules shall be referred to as the "2019 Revised Implementing Rules and Regulations" of Republic Act (RA) No. 10592.

Section 2. Construction. These Rules shall be construed liberally in favor of a Person Deprived of Liberty (PDL), whether under preventive imprisonment or serving sentence by final judgement.

Section 3. Objectives. The credit for preventive imprisonment and the grant of increased time allowances for good conduct, including studying, teaching, and mentoring, and for loyalty, to qualified PDL seek to:

- a. Redeem and uplift valuable human materia; towards economic and social usefulness;
- b. Level the field of opportunity to motivate PDL to pusue a productive and law-abiding life;
- c. Implement the state policy of restorative and compassionate justice by promoting reformation and rehabilitation of PDL, strengthening their moral fiber and facilitating their successful integration into the mainstream of society; and
- d. Maintain a firm punitive or retributive policy towards certain classes of PDL.

Rule II

DEFINITION OF TERMS

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

- a. "BJMP" - Bureau of Jail Management and Penology;
- b. "BUCOR" - Bureau of Corrections;
- c. "Chief" - the Chief of the BJMP;
- d. "Commitment Order" - a written order of a court of law or any other competent authority committing a person to jail or prison for confinement or service of sentence;
- e. "Correctional Facility" - a jail or prison where PDL is committed by order of a court of law or any other competent authority;
- f. Credit for Preventie Imprisonment (CPI) - time credited for a temporary confinement before final judgement of a PDL in a correctional facility.
- g. "Destierro" - a penalty which prohibits a person to enter the place or places designated in the sentence, or

within the radius therein specified, which shall not be more than two hundred fifty (250) kilometers and not less than twenty-five (25) kilometers from the place designated;

h. "Detainee" - a PDL who is under preventive imprisonment or temporarily confined in jail or prison while undergoing investigation by competent authority, on trial before a court of law, or awaiting final judgement;

i. "Director General" - the Director General of the BUCOR

j. "Escapee" - a PDL who has escaped from confinement in a correctional facility;

k. "Good Conduct" - refers to the conspicuous and satisfactory behavior of a detention or convicted PDL consisting of, among others, active involvement in development or rehabilitation programs, productive participation in authorized work activities or accomplishments of exemplary deeds coupled with faithful obedience to all prison/jails rules and regulations, including the non-commission, or non-participation in the commission, of any crime or offense during the period of imprisonment;

l. "Good Conduct Time Allowance" (GCTA) - a grant accorded a PDL on Good Conduct entitling him to deductions from the possible maximum imposable imprisonment or period of sentence;

m. "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 physical injuries, robbery, theft, estafa, and falsification, is found guilty of any of the said crimes a third or oftener;

n. "Heinous Crime" - crimes which are grievous, odious and hateful to the senses and which, by reason of their inherent and or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society, including crimes which are mandatorily punishable by Death Penalty Law, and those crimes specifically declared as such by the Supreme Court;

o. "Jail" - a detention or correctional facility managed by the BJMP, any law enforcement agency, or the provincial government mandated by law to safekeep, develop and rehabilitate a PDL 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;

p. "Person Deprived of Liberty" - a person confined in a correctional facility, whether undergoing preventive imprisonment or serving sentence by reason of a final judgement of conviction;

q. "Preventive Imprisonment" - a temporary confinement in a correctional facility of a PDL, while undergoing investigation or awaiting final judgement;

r. "Prison" - any correctional facility managed by the BUCOR to safekeep and rehabilitate a PDL, undergoing preventive imprisonment, or convicted of final judgement, whose sentence exceeds three (3) years, or who is sentenced to serve two (2) or more prison terms, the aggregate of which exceeds three (3) years;

s. "Prison/Jail Authority" - shall refer either to the BUCOR Director General; The BJMP Chief or the wardens of provincial, city, district and municipal jails.

t. "Recidivist" - a person who, at the time of his trial for one crime, shall have been previously convicted by final judgement of another crime embraced in the same title of Act no. 3185, as amended, otherwise known as the Revised Penal Code (RPC);

u. "Special Time Allowance for Loyalty" (STAL) - a grant accorded a PDL who has escaped confinement or service of sentence under the circumstance cited in Article 158 of the RPC, as amended, pertaining to evasion of service of sentence on the occasion of disorders, conflagrations, earthquakes, or other calamities, 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 one-fifth (1/5) from his preventive imprisonment or service of sentence or a deduction of two-fifths (2/5) if he chose to stay in jail or prison during the existence of the calamity or catastrophe;

v. "Time Allowance for Study, Teaching, or Mentoring" (TASTM) - a grant to a PDL, in addition to GCTA, for

each month of study, teaching or mentoring services; and
w. "Warden" - the head of the provincial, city, municipal, and district jails.

Rule III

CREDIT FOR PREVENTIVE IMPRISONMENT (CPI)

Section 1. Duty to Inform Detainees of the Credit for Preventive Imprisonment. - Prison/Jail Authorities shall inform the PDL, upon commitment, of the provisions of Article 29 of the RPC, as amended, pertaining to credit for preventive imprisonment.

Section 2. Who are Qualified. - A PDL who has undergone preventive imprisonment shall be credited either fully, or for four-fifths (4/5) of the period of his preventive imprisonment, provided he is not disqualified.

Section 3. Who are Disqualified. - The following shall not be entitled to any credit for preventive imprisonment:

- a. Recidivists;
- b. An accused who has been convicted previously twice or more times of any crimes;
- c. An accused who, upon being summoned for the execution of his sentence has failed to surrender voluntarily before a court of law;
- d. Habitual Delinquents;
- e. Escapees; and
- f. PDL charged of Heinous Crimes.

Section 4. Full Credit for Preventive Imprisonment. - A qualified PDL who has undergone preventive imprisonment and who, after being informed of the effects thereof and with the assistance of counsel, manifests in writing his willingness to abide by the same disciplinary rules imposed upon a PDL convicted by final judgement, shall be credited with the full time of his imprisonment.

Section 5. Four-Fifths (4/5) Credit for Preventive Imprisonment. - A qualified PDL who has undergone preventive imprisonment and who, after being informed of the effects thereof and with the assistance of counsel, manifests in writing his unwillingness to abide by the same disciplinary rules imposed upon a PDL convicted by final judgement, shall be credited with four-fifths (4/5) of the time of his preventive imprisonment.

Section 6. Effects of Failure to Surrender Voluntarily for the Execution of Sentence. - A PDL initially qualified under this Rule, but who subsequently fails to surrender voluntarily before a court of law after being summoned for the execution of his sentence, shall not be entitled to any credit for preventive imprisonment, including that which may have accrued at the time.

Section 7. GCTA, TASM, STAL, of a PDL Qualified for CPI. - A PDL who is qualified for credit for preventive imprisonment shall also be qualified to avail himself of the benefit of good conduct time allowance during such imprisonment, as well as TASM and STAL, in accordance with the procedure laid down in these Rules.

Rule IV

GOOD CONDUCT TIME ALLOWANCE (GCTA)

Section 1. GCTA During Preventive Imprisonment. - The good conduct of a detained PDL qualified for credit for preventive imprisonment shall entitle him to the deductions described in Section 3 hereunder, as GCTA, from the possible maximum penalty.

The following shall not be entitled to any GCTA during preventive imprisonment:

- a. Recidivists
- b. An accused who has been convicted previously twice or more times of any crime;
- c. An accused who, upon being summoned for the execution of his sentence has failed to surrender voluntarily before a court of law;
- d. Habitual Delinquents;
- e. Escapees; and
- f. PDL charged of Heinous Crimes.

Section 2. GCTA During Service of Sentence. - The good conduct of a PDL convicted by final judgement in any penal institution, rehabilitation or detention center or any other local jail shall entitle to him to the deductions described in Section 3 hereunder, as GCTA, from the period of his sentence, pursuant to Section 3 of RA No. 10592.

The following shall not be entitled to any GCTA during service of sentence:

- a. Recidivists;
- b. Habitual Delinquents;
- c. Escapees; and
- d. PDL convicted of Heinous Crimes.

Section 3. Deductible GCTA. - A qualified PDL shall be entitled to the following deductions for each month of good behavior during detention of sentence, from the possible maximum penalty or from his period of sentence, respectively:

- a. During first two (2) years of imprisonment, a deduction of twenty (20) days;
- b. During the third of the fifth year, inclusive, of his imprisonment, a deduction of twenty-three (23) days;
- c. During the following years until the tenth year, inclusive, of his imprisonment, a deduction of twenty-five (25) days; and
- d. During the eleventh and successive years of his imprisonment, a deduction of thirty (30) days.

Section 4. Effect of Appeal. - An appeal by a PDL shall not deprive him of his entitlement to GCTA.

Rule V

TIME ALLOWANCE FOR STUDY, TEACHING AND MENTORING (TASTM)

Section 1. Who are Disqualified. - At any time during the period of imprisonment, a qualified PDL entitled to GCTA, shall, in addition thereto, be allowed another deduction of fifteen (15) days for each month of study, teaching or mentoring service.

The deduction provided under this Section shall be given to a qualified PDL who pursues an educational program, whether formal, vocational or technical, an alternative learning system, or any developmental course, accredited by Prison/Jail Authorities, or who serves his fellow PDL as teacher or mentor while incarnated.

Section 2. Who are Disqualified. - The following shall not be entitled to TASTM:

- a. Recidivists;
- b. Habitual Delinquents;
- c. Escapees; and
- d. PDL charged and convicted of heinous crimes.

Section 3. Effects of Appeal. - An appeal by a PDL shall not deprive him of his entitlement to TASTM.

Rule VI

IMMEDIATE RELEASE OF A PDL UNDER PREVENTIVE IMPRISONMENT

Section 1. Who are Qualified. -Whenever a PDL has undergone preventive imprisonment for a period equal to the possible maximum imprisonment of the offense charged to which he may be sentenced and his case is not yet terminated, 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.

The computation of preventive imprisonment for purposes of immediate release shall be the actual period of detention with GCTA, which may include TASTM.

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

Section 2. Who are Disqualified. - The following are not qualified to be released under this rule:

- a. Recidivists;
- b. An accused who has been convicted previously twice or more times of any crime;
- c. An accused who, upon being summoned for the execution of his sentence has failed to surrender voluntarily before a court of law;
- d. Habitual Delinquents;
- e. Escapees; and
- f. PDL charged of Heinous Crimes.

Section 3. Absence of PDL during Trial. - A PDL released in accordance with this Rule must be present at every stage of the trial. If the PDL is absent without justifiable cause, the court may, motu proprio, order his re-arrest.

Section 4. Deduction for CPI when Imposable Penalty is Reclusion Perpetua. - CPI for the penalty of reclusion perpetua shall be deducted from thirty (30) years.

Rule VII

SPECIAL TIME ALLOWANCE FOR LOYALTY (STAL)

Section 1. Who are Qualified. - The STAL shall be granted to any qualified PDL who has escaped confinement or service of sentence under the circumstances cited in Article 158 of the RPC, as amended, pertaining to evasion of service sentence on the occasion of disorders, conflagrations, earthquakes, or other calamities, and surrendered to the authorities within forty-eight (48) hours following the proclamation announcing the passing away of the calamity or catastrophe, or who chose to stay in jail or prison during the existence of the calamity or catastrophe.

Section 2. Who are Disqualified. - The following shall not be entitled to STAL:

- a. Recidivists;
- b. Habitual Delinquents;
- c. Escapees; and
- d. PDL charged and convicted of Heinous Crimes.

Section 3. Deductible STAL. -

- a. A deduction of one-fifth (1/5) of the period of his sentence shall be granted to a qualified PDL who, having evaded his preventive imprisonment or the service of his sentence under the circumstances mentioned in Article

158 of the RPC, as amended, gives himself up to the authorities within forty-eight (48) hours following the issuance of a proclamation announcing the passing of the calamity or catastrophe referred to in the said article.

b. A deduction of two fifths (2/5) of the period of his sentence shall be granted in case said qualified PDL chose to stay in the place of his confinement notwithstanding the existence of a calamity or catastrophe enumerated in Article 158 of the RPC, as amended.

Section 4. Applicability. - STAL shall be granted to any PDL, whether undergoing preventive imprisonment or serving sentence.

Rule VIII

MANAGEMENT, SCREENING AND EVALUATION COMMITTEE (MSEC)

Section 1. Creation and Composition. - The Director General of the BUCOR, the Chief of the BJMP and Wardens of the Provincial Jails shall respectively create an MSEC for each correctional facility. Membership in the MSEC shall not be less than five (5) and may include a representative from the appropriate records office, reformation office or welfare and development office, legal/paralegal, Overseer, Probation and Parole Officer, and if available, a psychologist and a social worker.

Section 2. Functions. - Each MSEC shall assess, evaluate, and recommend to the Director General of the BUCOR, the Chief of the BJMP and wardens of the Provincial, District, City and Municipal Jails, as the case may be recognition of CPI and the grant of GCTAM TASTM, or STAL to qualified PDL.

Section 3. MSEC Guidelines. - The following shall be observed in the recognition of the time credits and the grant of time allowances:

- a. The entitlement of a PDL to time credits and allowances shall be monitored and reported to the MSEC monthly.
- b. The appropriate office or officer shall have the duty to promptly and timely transmit to the MSEC a list of PDL who may be qualified for release based on a presumptive entitlement to time credits and allowances. The list shall include the names of PDL, designation of the offense or felony, expected date of release, and such other pertinent information as may aid the MSEC in its assessment and evaluation.
- c. The said list, which shall contain a directive to other offices of the correctional facility or to any other person furnish the MSEC with any pertinent information that may affect its deliberations, shall be posted in three (3) conspicuous places within the correctional facility, and/or uploaded in their respective websites, subject to the relevant provisions of RA No. 10173, otherwise known as the "Data Privacy Act of 2012".
- d. The MSEC, upon consideration of all records and reports submitted to it, shall recommend to the Prison/Jail Authorities the recognition of the time credits and/or the grant of time allowances.

Section 4. Observers. - The MSEC shall invite representatives from the Parole and Probation Administration (PPA), National Prosecution Service (NPS) of the Department of Justice (DOJ) and accredited civil society organizations to appear as observers during its deliberations.

Section 5. Access to PDL's Information. - The MSEC shall maintain the integrity of sensitive personal information contained in the PDL's records and shall ensure faithful compliance with the provisions of RA No. 10173, otherwise known as the "Data Privacy Act of 2012".

Rule IX

GRANT OF TIME ALLOWANCES

Section 1. Who Grants Time Allowances. - Whenever lawfully justified, the following officials shall grant time allowances:

- a. Director General of the Bureau of Corrections;
- b. Chief of the Bureau of Jail Management and Penology; and/or
- c. Warden of a Provincial, District, City, or Municipal Jail.

Section 2. Time Allowances; When Granted. - The concerned Prison/Jail Authorities shall grant accrued time allowances at the end of:

- a. The first two (2) years of the imprisonment of PDL.
- b. The fifth year of his imprisonment;
- c. The tenth year of his imprisonment; and
- d. The eleventh year of his imprisonment and every year thereafter.

The foregoing notwithstanding, the concerned Prison/Jail Authorities shall grant accrued time allowances, as maybe necessary, to ensure the prompt and timely release of a qualified PDL based on his presumptive entitlement to time credits and allowances.

Section 3. Irrevocability of Time Allowances. - Time allowances such as GCTA, TASTM, and STAL, once validity granted by the authorized official to a qualified PDL shall not revoked.

Rule X

PARTIAL EXTINCTION OF CRIMINAL LIABILITY

Section 1. Partail and Extinction of the Criminal Liability. - Criminal liability is extinguished partially:

- a. By conditional pardon;
- b. By commutation of sentence; and
- c. For good conduct time allowances which the culprit may earn while he is undergoing preventive imprisonment or serving sentence.

The grant of time allowances to a disqualified PDL, whether under previous or present Rules, shall not extinguish criminal liability.

Rule XI

MANUAL AND TEMPLATES

Section 1. Manual. - The BUCOR, the BJMP, and the Provincial Jails shall develop, formulate, and continually update operation manulas, comprehensive templates, computation tables, graduate list of penalties, and other reference materials, to guide them in the effective implementation of RA No. 10592 and these Rules.

Rule X11

OVERSIGHT

Section 1. Oversight Function. - The Secretary of Justice and the Secretary of teh Interior and Local Government, in the exercise of their Administrative Supervision, may issue guidelines or take other appropriate actions for the proper implementation of these Rules and ensure faithful compliance therewith.

Rule XIII

TRANSITORY AND FINAL PROVISIONS

Section 1. Transitory Provisions. - The grant of time allowances to a PDL under RA No. 10592 shall be retroactive in application, provided that such PDL is not disqualified under the said law and these Rules.

However, a disqualified PDL who had been under preventive imprisonment or has commended the service of his sentence by final judgement prior to the effectivity of RA No. 10592 shall be entitled to CPI and time allowances that had already accrued, and shall continue to be entitled to such time allowances authorized to be granted, in accordance with the applicable provisions to the RPC.

A disqualified PDL under preventive imprisonment or who has commenced the service of his sentence by final judgement after effectivity of RA No. 10592 shall not be entitled to any CPI or Time Allowances.

Section 2. Recognition of Existing MSECs. - Unless reorganized by the Prison/Jail Authorities, the existing MSECs are hereby recognized and shall continue in the performance of their functions, subject to the provisions of these Rules.

Section 3. Penal Clause. - Faithful compliance with the provisions of RA No. 10592 is hereby mandated. The Penalty of one (1) year imprisonment, a fine of One Hundred Thousand Pesos (P100, 000.00) and perpetual disqualification to hold public office shall be imposed upon any public officer or employee who violates the provisions thereof.

Section 4. 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 5. Repealing Clause. - All policies, issuances, rules, and regulations and guidelines, inconsistent with these Rules are hereby modified and repealed accordingly.

Section 6. Effectivity Clause. - These Rules shall take effect fifteen (15) days following the date of publication in at least two (2) newspapers of general circulation in the Philippines. A copy of these Rules shall be deposited at the University of the Philippines - Office of the National Administrative Register, in compliance with the Revised Administrative Code of 1987.

16 September 2019.

Manila, Philippines

(SGD.) MENARDO I. GUEVARRA

Secretary of Justice

(SGD.) EDUARDO M. ANO

Secretary of the Interior and Local Government

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