

[DOJ REPUBLIC ACT NO. 10592, March 26, 2014]

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 PENAL CODE, AS AMENDED"

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 Amended*," 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 that 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:

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

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

- a. **"Act"** - shall refer to Act No. 3815, otherwise known as the Revised Penal Code, as amended;
- b. **"Accused"** - an offender who is under detention and against whom a Criminal Complaint or Prosecutor's Information has been filed in a court law;
- c. **"BJMP"** - Bureau of Jail Management and Penology;
- d. **"BUCOR"** - Bureau of Corrections
- e. **"Chief"** - Chief of BJMP;
- f. **"Commitment Order"** - a written order of a court of law or any other competent authority committing a person to jail or prison for confinement;
- g. **"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;
- h. **"Correctional Facility"** - a prison or jail;
- i. **"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;
- j. **"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;
- k. **"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;
- l. **"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;

- m. **"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;
- n. **"Director"** - Director of the BUCOR;
- o. **"Felony"** - an act or omission defined and penalized under the provisions of the Revised Penal Code, as amended;
- p. **"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;
- q. **"Good Conduct Time Allowance" (GCTA)** - a privilege 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;
- r. **"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;
- s. **"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;
- t. **"Offense"** - a criminal act defined and penalized by special law;
- u. **"Operations Manual"** - also referred to as "Manual of Operations", a document of all pertinent issuances and laws which deal with the administration and management of jail or prison and the treatment and discipline of a prisoner in a detention or correctional facility;
- v. **"Preventive Imprisonment"** - is a temporary confinement in jail or prison while undergoing investigation or trial awaiting final judgment;
- w. **"Prison"** - any correctional facility managed by the BUCOR to safekeep and rehabilitate a prisoner convicted by the final judgment, whose sentence exceeds three (3) years, or who is sentenced to serve two (2) or more prison terms and whose aggregated sentences exceed three (3) years;
- x. **"Proper Authority"** - shall refer either to:

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

2. The Secretary of the Department of the Interior and Local Government (for the BJMP), or
 3. The Provincial Governor (for the Provincial Jails).
- y. **"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.
- z. **"Special Time Allowance for Loyalty" (STAL)** - a privilege granted to a prisoner, 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 Warden 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:

- a. An accused who is a recidivist as defined under Article 14 (9), Chapter III, Book I of the Revised Penal Code.
- b. An accused who has been convicted previously twice or more times of any crime; and
- c. An accused who, upon being summoned for the execution of his sentence, has failed to surrender voluntary before a court of law.