

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

THIRTEENTH CONGRESS  
First Regular Session



HOUSE BILL NO. 3664

Introduced by: HON. AMADO T. ESPINO, JR.

**EXPLANATORY NOTE**

As of April 30, 2001, records of the Bureau of Jail Management and Penology, the government agency charged with the supervision and control of the country's district, city and municipal jails shows that out of 36,416 of its jail population, 33,225 or 91% are detainees, meaning person detained while waiting preliminary investigation or trial or promulgation of court decision. Only 3,161 or 9% are convicted inmates or those already serving sentence imposed on them by the courts.

Records of the same Bureau also reveals that most of its district, city and large municipal jails are acutely congested. In Metro Manila alone, all twenty one (21) jails, except for Makati City Jail are congested from an average of 112% to as much as 278%. Congestion together with the generally dilapidated jail conditions makes life for inmates miserable and management and supervision for jail authorities a big headache.

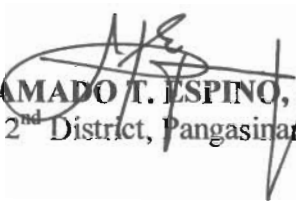
Pursuant to paragraph 2, Section 14, Article III of the 1987 Constitution of the Philippines, "In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved." The irony and stark reality however is that, even while these detainees are constitutionally presumed innocent, they are already consigned to begin serving prison terms. The slow pace of justice which are vividly evidenced by the detainee's carpeta has aggravated the situation.

Needless to state, congestion is one of the main scourge of jail supervision and management. It has resulted to escapes, jail riots and disturbances, jail gangs, outbreaks of diseases and generally makes jail life a hell on earth.

And, a majority of this inmates are poor thus they cannot afford to put up the required bail while some are ignorant, unwanted by society and neglected by the government. The advent of the present administration has given them a ray of hope. Congestion must be radically addressed. This measure is one of them. It is expected that with the passage into law of this bill, jail congestion will be sufficiently addressed such

that most of our large jails will be decongested.

Approval of this bill therefore earnestly and urgently sought.

  
**AMADO T. ESPINO, JR.**  
2<sup>nd</sup> District, Pangasinan

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**AN ACT AMENDING PARAGRAPH THREE, ARTICLE TWENTY NINE OF  
ACT NUMBERED THIRTY EIGHT HUNDRED FIFTEEN, AS AMENDED  
OTHERWISE KNOWN AS THE REVISED PENAL CODE.**

Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:

**SECTION 1.** Paragraph 3 of article 29 of Act Numbered 3815, otherwise known as the Revised Penal Code as amended, is hereby amended to read as follows:

'Whenever an accused has undergone preventive suspension for a period equal to or more than the possible (maximum) MINIMUM imprisonment of the offense charge 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 therefore or the preceding on appeal, if the same is under review; PROVIDED HOWEVER, THAT IF THE ACCUSED IS ABSENT WITHOUT JUSTIFIABLE CAUSE AT ANY STAGE OF THE TRIAL, THE COURT MAY, ON MOTU PROPIO, ORDER THE REARREST OF THE ACCUSED; PROVIDED, FINALLY THAT, RECIDIVISTS, HABITUAL DELINQUENTS, ESCAPEES, AND PERSONS CHARGED WITH HEINOUS CRIMES ARE EXCLUDED FROM THE COVERAGE OF THIS ACT.  
In case the maximum penalty to which the accused is destierro, he shall be released after thirty (30) days of preventive imprisonment"

**SECTION 2.** This law takes effect fifteen (15) days after its publication in two newspapers of general circulation in the country.

**APPROVED.**