

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 6886



Introduced by

Senior Citizens Party-List Representative RODOLFO "OMPONG" M. ORDANES

EXPLANATORY NOTE

According to the 2018 data from the Bureau of Jail Management and Penology, there are at least 3,000 senior citizens who are detained while awaiting the verdict of criminal cases against them. In the New Bilibid Prison alone, more than 1,500 senior citizens are already incarcerated in it.

The principle behind incarcerating those convicted of crimes is to protect society from possible recidivism by these individuals and help them rehabilitate during the service of their sentence. However, these benefits of societal protection and possible rehabilitation by the convict are not applicable when incarcerating octogenarians.

According to a study, senior citizens over 85 years of age are already considered frail and have a significant risk of falls, disability, need for long-term care, sudden health status changes triggered by minor stressor events, and even death.¹ To make the situation of senior citizen convicts worse, Frailty is expected to have aggravated consequences and increase among senior citizens due to the COVID-19 pandemic.

This means that due to the inherent age-related conditions that octogenarians suffer from, it is highly unlikely that they are capable of becoming recidivists once they are released from incarceration. Furthermore, their condition also puts into question whether they can be successfully rehabilitated due to the conditions in prison that will aggravate their pre-existing

¹ Dr. Andre Clegg, MD, et. al., *Frailty in elderly people*, 381 The Lancet 9868 (02 March 2013).

health conditions. In fact, most of them pass away even before they complete the service of their sentence.

Last year, in time for President Ferdinand Marcos Jr.'s 65th birthday, the Department of Justice showed compassion to hundreds of our senior citizens deprived of liberty by requesting executive clemency to those aged at least 70 years and are infirm. While senior citizens welcome this development, we still feel the plight of those who were left behind.

This bill seeks to alleviate the plight of low-risk octogenarian convicts who are still serving their sentence for crimes with a correctional penalty by extinguishing their criminal liability. This is in recognition of their unique situation that causes any incarceration against them to cause more harm than good for them and society as a whole.

The passage of this bill is earnestly sought.



RODOLFO "OMPONG" M. ORDANES

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AN ACT

AN ACT EXTINGUISHING THE CRIMINAL LIABILITY OF THOSE SENIOR CITIZENS CONVICTED OF LESS HEINOUS CRIMES, WHO WHILE SERVING THEIR SENTENCE, HAVE REACHED THE AGE OF AT LEAST EIGHTY YEARS OLD.

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

SECTION 1. Short Title. – This Act shall be known as the "Octogenarian Pardon Act".

SEC. 2. Title 4, Chapter 1 of the Revised Penal Code is hereby amended to read as follows:

"Article 89. How criminal liability is totally extinguished. - Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.
2. By service of the sentence;
3. By amnesty, which completely extinguishes the penalty and all its effects;
4. By absolute pardon;
5. By prescription of the crime;
6. By prescription of the penalty;

7. By the marriage of the offended woman, as provided in Article 344 of this Code; and
8. **Upon reaching or having reached the age of 80 years of age, a convict, has served the minimum period of his/her prison term and whose crime does not qualify as a heinous crime. Provided that, this privilege can only be availed of once by an individual and will not be available to habitual delinquents, recidivists, and/or quasi-recidivists. Provided finally, that this privilege shall not act as a waiver for the payment of fines by the convict for the crime he/she committed."**

SEC. 3. *Suppletory Application.* – For purposes of this Act, the Revised Penal Code, and other applicable laws, shall have suppletory application.

SEC. 4. *Separability Clause.* – If any provision of this Act shall be declared unconstitutional or invalid, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SEC. 5. *Repealing Clause.*– All laws, presidential decrees executive orders rules, and regulations or parts thereof which are inconsistent with or contrary to the provisions of this Act are hereby amended, repealed, or modified accordingly.

SEC. 6. *Effectivity.*– This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved.