

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL No. 2066



Introduced by
ACT Teachers Party-List Rep. ANTONIO L. TINIO
and **KABATAAN Party-List Rep. RENEE LOUISE M. CO**

AN ACT
PROVIDING FOR THE INCLUSION OF FRAGILE HEALTH AND/OR
ADVANCED AGE AS GROUNDS FOR THE RELEASE ON
RECOGNIZANCE OF AN ACCUSED, AMENDING FOR THE PURPOSE
REPUBLIC ACT 10389 OR THE “RECOGNIZANCE ACT OF 2012”

EXPLANATORY NOTE

Antonio Molina, a bedridden farmer who was charged with trumped up cases, was diagnosed with Stage IV abdominal sarcoma. His doctor gave him only six months to live because of “poor prognosis due to extreme disease based on CT scan.” However, the Puerto Princesa Regional Trial Court Branch 51 denied the 66-year-old Molina’s omnibus motion for release on recognizance on humanitarian grounds, claiming that it is not a ground for bail.¹ Interestingly, the jail authorities reversed themselves and acceded to release Molina on recognizance, via a letter addressed to Judge Ambrosio B. De Luna of Branch 51.

But it was too late. On November 18, 2021, three days after the letter, Molina died at the Puerto Princesa City Jail.

In a more recent case, Prudencio “Tatay Pruding” Calubid, Jr., an 81-year-old retired technician and former overseas worker, was wrongfully and maliciously imprisoned for six months on charges of robbery with homicide, damage to property, and multiple counts of murder. He is currently suffering from chronic kidney disease,

¹ Umil, Anne Marxze. “Palawan court denies ailing political prisoner’s plea for compassionate release.” *Bulatlat*, 23 October 2021. <https://www.bulatlat.com/2021/10/23/palawan-court-denied-ailing-political-prisoners-plea-for-compassionate-release>

arthritis, and gout. On 27 June 2025, the Court of Appeals granted the writ of *habeas corpus* to Tatay Pruding, and ordered the Manila City Jail to immediately release him from detention. On motion for reconsideration, the Office of the Solicitor General (OSG), assailed his release, repeating the false claims of the Philippine National Police-Criminal Investigation and Detection Group (PNP-CIDG) that their personnel arrested Tatay Pruding after “extensive investigation and intelligence gathering” and insisting that he really is Prudencio Calubid, a peace talks consultant for the National Democratic Front. This Calubid is alleged as a “high-ranking communist” with a ₱7.8-million bounty.² However, the peace consultant has been a *desaparecido* since 26 June 2006, when he, his wife Celina Palma, and companions Gloria Soco and Ariel Beloy were abducted by suspected military agents.

The National Union of Peoples’ Lawyers, Tatay Pruding’s counsel, underscored that he is a victim of red-tagging and “deliberate misidentification, motivated by the perverse incentives of a bounty system,” leading to his arrest being “carried out with gross disregard for the most basic standards of law enforcement, due process, and human dignity.”³ For its part, the *habeas corpus* court confirmed that the police failed to exercise even the minimum requirement to verify the identity of the person they arrested. Despite all these, the OSG now is so eager to drag back to prison the octogenarian Tatay Pruding.⁴

Jurisprudence has recognized that the right to bail is cognate to the fundamental right to be presumed innocent. Bail is the security given for the release of a person in custody of the law. It assures the court of one’s appearance as required under the conditions specified by the court. It may be given in the form of corporate surety, property bond, cash deposit, or recognizance.⁵

Under Republic Act 10389, or the *Recognizance Act of 2012*, release on recognizance means that any person in custody who cannot post bail due to poverty may be given temporary liberty by placing them under the custody of a qualified member of the barangay, city, or municipality where the accused resides.

The right to bail under the 1987 Constitution is guaranteed for persons accused of a crime, except those punishable by *reclusion perpetua* when evidence of guilt is strong. Even if the offense committed is punishable by *reclusion perpetua* but the

² “CIDG CAPTURES NATIONAL MOST WANTED COMMUNIST TERRORIST LEADER WITH PHP 7.8M REWARD.” Criminal Investigation and Detection Group, 8 December 2024. Retrieved from <https://cidg.pnp.gov.ph/cidg-captures-national-most-wanted-communist-terrorist-leader-with-php-7-8m-reward/>

³ National Union of Peoples’ Lawyers, Press Release, 28 June 2025.

⁴ Bautista, J. “OSG wants 81-year-old man tagged as NPA back in jail.” Cebu Daily, 7 July 2025. Retrieved from <https://cebudailynews.inquirer.net/645603/osg-wants-81-year-old-man-tagged-as-npa-back-in-jail>

⁵ “Bail me out: Remedies after arrest.” DivinaLaw, 8 February 2021. <https://www.divinalaw.com/dose-of-law/bail-me-out-remedies-after-arrest/>

evidence of guilt is not strong, the accused may still be released on bail or on recognizance.⁶

In the 2015 case of *Enrile v. Sandiganbayan*,⁷ the Supreme Court reminds us of the Philippine government's responsibilities and obligations in the international community arising from the national commitment under the Universal Declaration of Human Rights to uphold the fundamental human rights and the dignity and worth of the human person.

Juan Ponce Enrile, detained for his involvement in the diversion and misuse of appropriations under the Priority Development Assistance Fund, was released on bail due to his fragile health and advanced age. The Supreme Court explained that the purpose of bail is not to prevent the accused from committing additional crimes, but "to guarantee the appearance of the accused at the trial, or whenever so required by the trial court. x x x [B]ail acts as a reconciling mechanism to accommodate both the accused's interest in his provisional liberty before or during the trial, and the society's interest in assuring the accused's presence at trial."

Bail was also granted in 2018 to Imelda Marcos, already convicted by the Sandiganbayan to serve six to 11 years in prison for each of the seven counts of anti-corruption law violations. She was convicted for funneling about \$200 million to Swiss foundations in the 1970s as Metropolitan Manila governor. Her case is still pending appeal before the Supreme Court.⁸

"Those who have less in life must have more in law," has been the long-time injunction held on by courts to show that the poor and marginalized can hope that justice is on their side. However, with the releases of Enrile and Marcos on one hand, and the refusal to grant recognizance for Molina and Tatay Pruding, one cannot deny the utterly unfair contrast of the application of the law—favorable for the rich and powerful, yet adverse, sometimes fatal, for the poor and weak. There must be an end to this unfair, even unjust, treatment.

This Bill seeks to amend the Recognizance Law to include the elderly, sickly, pregnant or nursing detainees. It aims to lessen the burden on the courts in determining who is entitled the right to be granted bail or released on recognizance.

Especially given focus in this amendment is the consideration for persons deprived of liberty (PDLs) like Antonio Molina and Prudencio Calubid, Jr.—older

⁶ Sec. 13, Art. III 1987 Constitution

⁷

G.R. 213847, 18 August 2015. The Supreme Court cited the Universal Declaration of Human Rights.

⁸ Cabico, Gaea Katreena. "Whatever happened to: Graft conviction of Imelda Marcos." PhilStar, 10 November 2020. <https://www.philstar.com/headlines/2020/11/09/2055672/whatever-happened-to-graft-conviction-imelda-marcos>

adults and of fragile health, who are sickly or have severe disabilities. Their continued incarceration may just be injurious to or will further endanger their health and lives. Other PDLs who may just be as vulnerable are pregnant detainees whose detention pose health risks to them or to the fetuses in their wombs.

Jurisprudence has no definition yet on “advanced age.” But from a medical perspective, it refers mostly to those 65 years old and up. People in that age range often have multiple or complex health matters and need specialized care.⁹

Corollarily, the Bill also offers to remedy the overly congested penal institutions and correctional facilities all over the country. The country’s penal system lacks the appropriate and adequate facilities and human resource capabilities to provide proper care of sickly and elderly PDLs, who are entitled to their rights to dignified lives.

Additionally, the pendency of a criminal case having the same or higher penalty as the new crime the accused is charged of, must also be removed as a ground for the disqualification for release on recognizance. This is especially true for sickly and elderly PDLs whose lives or health may be more at risk while they are detained pending their cases.

This Bill was first filed during the 18th Congress by Bayan Muna Party-List Reps. Carlos Zarate, Ferdinand Gaite and Eufemia Cullamat, Gabriela Women’s Party Rep. Arlene Brosas, ACT Teachers Party-List Rep. France Castro and Kabataan Party-List Rep. Sarah Elago. This was refiled during the 19th Congress by Rep. Castro, Rep. Brosas, and Kabataan Party-List Rep. Raoul Dannel Manuel.

For the foregoing reasons, the immediate passage of this Bill is earnestly sought.


Rep. ANTONIO L. TINIO
ACT Teachers Party-List
Rep. RENEE LOUISE M. CO
KABATAAN Party-List

⁹ “What Is a Geriatrician?” WebMD, 29 June 2021. <https://www.webmd.com/a-to-z-guides/what-is-geriatrician>

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17

18 **AN ACT**
19 **PROVIDING FOR THE INCLUSION OF FRAGILE HEALTH AND/OR**
20 **ADVANCED AGE AS GROUNDS FOR THE RELEASE OF AN ACCUSED IN**
21 **A CRIMINAL CASE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.**
22 **10389 OR THE “RECOGNIZANCE ACT OF 2012”**
23
24

25 *Be it enacted by the Senate and the House of Representatives in Congress assembled:*
26

27 **SECTION 1. Title.** This Act shall be known as “*An Act Amending the Recognizance*
28 *Law of 2025,*” or simply the “*Antonio Molina Act.*”
29

30 **SEC. 2.** Section 3 of Republic Act 10389, otherwise known as the “*Recognizance Act*
31 *of 2012,*” is hereby amended to read as follows:
32

33 **Section 3. Recognizance Defined.** – Recognizance is a mode of securing
34 the release of any person in custody or detention for the commission of an
35 offense who is unable to post bail due to abject poverty. The court where
36 the case of such person has been filed shall allow the release of the accused
37 on recognizance as provided herein, to the custody of a qualified member of
38 the barangay, city or municipality where the accused resides, **OR TO**
39 **ANY QUALIFIED CUSTODIAN UNDER THIS ACT.**
40

41 **SPECIAL CONSIDERATIONS SHALL BE GIVEN TO AN**
42 **INDIGENT DETAINEE WHO IS OF ADVANCED AGE, OR HAS**
43 **FRAGILE HEALTH, WHERE THE CONTINUED**
44 **INCARCERATION IS INJURIOUS TO THE DETAINEE’S LIFE**
45 **OR HEALTH, OR IS PREGNANT OR NURSING WHOSE**

1 **DETENTION POSES HEALTH RISKS TO HER, TO THE FETUS**
2 **IN HER WOMB, OR TO HER CHILD.**

3
4 **THE BENEFITS OF THIS ACT SHALL BE AVAILABLE EVEN TO**
5 **PERSONS OF ADVANCED AGE, HAVE FRAGILE HEALTH, OR**
6 **ARE PREGNANT OR NURSING WHO ARE CHARGED WITH**
7 **NON-BAILABLE OFFENSES, AND TO THOSE FACING**
8 **MULTIPLE CHARGES PENDING IN DIFFERENT COURTS.**

9
10 **SEC. 3.** Sec. 4 of RA 10389, is hereby amended to read as follows:

11
12 **Section 4. *Duty of the Courts.* – x x x.**

13
14 **FOR PURPOSES OF DETERMINING A DETAINEE’S FRAGILE**
15 **STATE OF HEALTH, THE APPLICANT SHALL PRESENT A**
16 **MEDICAL DIAGNOSIS AND SUPPORTING DOCUMENTS OR**
17 **RECORDS CLEARLY SHOWING THAT THE CONTINUED**
18 **INCARCERATION IS INJURIOUS TO OR WILL ENDANGER**
19 **THE APPLICANT’S HEALTH OR LIFE.**

20
21 **FOR PURPOSES OF THIS ACT, THE CONTINUED**
22 **INCARCERATION OF A PREGNANT OR NURSING WOMAN**
23 **SHALL BE CONCLUSIVELY PRESUMED TO BE HARMFUL TO**
24 **HER LIFE AND THAT OF THE FETUS IN HER WOMB OR HER**
25 **NEWBORN.**

26
27 **SEC. 4.** Sec. 6 of RA 10389, is hereby amended to read as follows:

28
29 **Section 6. *Requirements.* –** The competent court where a criminal case
30 has been filed against a person covered under this Act shall, upon motion,
31 order the release of the detained person on recognizance to a qualified
32 custodian: *Provided,* That all of the following requirements are complied
33 with:

34
35 x x x

36
37 **(D) A CERTIFICATION ISSUED BY ANY GOVERNMENT**
38 **OR LICENSED MEDICAL DOCTOR OF THE DIAGNOSIS**
39 **ON THE HEALTH OF THE ACCUSED AND SUPPORTING**
40 **DOCUMENTS OR RECORDS CLEARLY SHOWING THAT**
41 **THE ACCUSED’S CONTINUED INCARCERATION IS**
42 **INJURIOUS TO THE HEALTH OR TO ENDANGER THE**
43 **LIFE OF THE APPLICANT: *PROVIDED,* THAT IN THE**
44 **CASE OF A PREGNANT OR NURSING DETAINEE,**
45 **JUDICIAL NOTICE MAY BE TAKEN BY THE COURT AS**

1 **TO THE APPLICANT'S ADVANCED AGE OR PREGNANT**
2 **OR NURSING STATUS, IN PLACE OF A MEDICAL**
3 **CERTIFICATION;**
4

5 (dE) The court has notified the city or municipal sanggunian where
6 the accused resides of the application for recognizance. The
7 sanggunian shall include in its agenda the notice from the court upon
8 receipt and act on the request for comments or opposition to the
9 application within ten (10) days from receipt of the notice. The action
10 of the sanggunian shall be in the form of a resolution, and shall be
11 duly approved by the mayor, and subject to the following conditions:

12 x x x
13

14 **SEC. 5.** Sec. 7 of RA 10389, is hereby amended to read as follows:
15

16 **Section 7. Disqualifications for Release on Recognizance.** – Any of the
17 following circumstances shall be a valid ground for the court to disqualify
18 an accused from availing of the benefits provided herein:
19

20 x x x
21

22 (e) The personal circumstances of the accused or nature of the facts
23 surrounding his/her case indicate the probability of flight if released on
24 recognizance; **AND**

25
26 (f) x x x. ~~and~~

27
28 ~~(g) The accused has a pending criminal case which has the same or higher~~
29 ~~penalty to the new crime he/she is being accused of.~~
30

31 **SEC. 6.** Sec. 8 of RA 10389, is hereby amended to read as follows:
32

33 **Section 8. Qualifications of the Custodian of the Person Released on**
34 **Recognizance.** – x x x
35

36 (c) Must not be a relative of the applicant within the fourth degree of
37 consanguinity or affinity, **EXCEPT IN THE CASE OF AN**
38 **APPLICANT WHO IS OF ADVANCED AGE, OF FRAGILE**
39 **HEALTH, OR PREGNANT OR NURSING; and**
40

41 (d) Must belong to any of the following sectors and institutions: church,
42 academe, social welfare, health sector, cause-oriented groups, charitable
43 organizations or organizations engaged in the rehabilitation of offenders
44 ~~duly accredited by the local social welfare and development officer.~~
45

1 SEC. 7. Sec. 12 of RA 10389, is hereby amended to read as follows:
2

3 **Section 12. *No Release on Recognizance After Final Judgment or***
4 ***Commencement of Sentence; Exception*****S.** – The benefits provided under
5 this Act shall not be allowed in favor of an accused after the judgment has
6 become final or when the accused has started serving the sentence:
7 *Provided*, That this prohibition shall not apply to an accused who is
8 entitled to the benefits of the Probation Law if the application for
9 probation is made before the convict starts serving the sentence imposed;
10 **PROVIDED FURTHER, THAT THIS PROHIBITION SHALL**
11 **ALSO NOT APPLY TO AN ACCUSED WHO IS OF ADVANCED**
12 **AGE AND/OR HAS FRAGILE HEALTH, OR PREGNANT OR**
13 **NURSING PURSUANT TO SECTION 3 OF THIS ACT**, in which
14 case, the court shall allow the release on recognizance of the convict to
15 the custody of a qualified member of the barangay, city or municipality
16 where the accused actually resides.
17

18 **SEC. 8. *Separability clause*.** If any section or provision of this Act shall be declared
19 unconstitutional or invalid, the other sections or provisions not affected thereby shall
20 remain in full force and effect.
21

22 **SEC. 9. *Repealing clause*.** All laws, decrees, orders, rules and regulations and other
23 issuance inconsistent with the provisions of this Act are deemed modified, revoked or
24 repealed accordingly.
25

26 **SEC. 10. *Effectivity*.** This Act shall take effect fifteen (15) days after its publication in
27 two (2) leading newspapers of general circulation.
28

29 *Approved*,
30