

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5188



Introduced by REP. RODOLFO "OMPONG" M. ORDANES

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

EXPLANATORY NOTE

The 1987 Constitution mandates that the State shall promote social justice in all phases of national development. This includes adopting policies that temper the harshness of criminal justice with compassion, particularly for the elderly who have reached an advanced stage of life.

In line with this principle, this proposed measure seeks to extinguish the criminal liability of senior citizens who have reached at least eighty (80) years of age while serving a sentence for less heinous crimes, provided that they have already served the minimum period of their prison term.

The intent of the bill is not to excuse criminal behavior, but to recognize the humanitarian and practical considerations that arise when convicts grow old and infirm within the penal system. By the time a person reaches the age of eighty, the punitive and rehabilitative objectives of imprisonment are essentially rendered moot. Advanced age often brings with it diminished physical capacity, declining health, and a greater need for medical care, conditions that the country's correctional facilities are often ill-equipped to sustain.

Furthermore, the measure upholds the values of restorative justice, which emphasize redemption and reintegration over perpetual punishment. It offers elderly convicts a chance to spend the remainder of their lives in peace and dignity, reunited with their families, while ensuring that those convicted of heinous crimes, habitual delinquents, recidivists, and quasi-recidivists are excluded from its benefits.

The proposed "Octogenarian Pardon Act" also acknowledges the growing number of aging inmates and the increasing burden these places on the correctional system in

terms of healthcare, resources, and facility management. Extinguishing the criminal liability of qualified elderly convicts would help decongest prisons and allow the State to redirect its limited resources toward more pressing rehabilitation and reintegration efforts.

In summary, this measure embodies compassionate justice, recognizing that while the law must be firm, it must also be humane. In view of the foregoing, the immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to be 'Rodolfo' with a stylized flourish.

RODOLFO "OMPONG" M. ORDANES

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

1 SECTION 1. *Short Title.* - This Act shall be known as the "Octogenarian Pardon
2 Act of 2025."

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

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

- 7 1. By the death of the convict, as to the personal penalties and as to pecuniary
8 penalties, liability therefor is extinguished only when the death of the
9 offender occurs before final judgment;
- 10 2. By service of the sentence;
- 11 3. By amnesty, which completely extinguishes the penalty and all its effects;
- 12 4. By absolute pardon;
- 13 5. By prescription of the crime;
- 14 6. By prescription of the penalty;
- 15 7. By the marriage of the offended woman, as provided in Article 344 of this
16 Code; and
- 17 8. Upon reaching or having reached the age of 80 years, a convict has served
18 the minimum period of his/her prison term, and whose crime does not
19 qualify as a heinous crime. Provided that, this privilege can only be
20 availed of once by an individual and will not be available to habitual
21 delinquents, recidivists, and/or quasi-recidivists. Provided finally, that
22 this privilege shall not act as a waiver for the payment of fines by the
23 convict for the crime he/she committed."

24 SEC. 3. *Supplementary Application.* - For purposes of this Act, the Revised Penal
25 Code, and other applicable laws, shall have supplementary application.

26 SEC. 4. *Separability Clause.* - If any provision of this Act shall be declared
27 unconstitutional or invalid, such declaration shall not invalidate other parts thereof

1 which shall remain in full force and effect.

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

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

7 *Approved,*