Republic of the Philippines
Supreme Court
Baguio City

EN BANC

NARCISO B. GUINTO (RELEASED AND REARRESTED PRISONER N216P-3611), INMATES OF NEW BILIBID PRISON INCLUDING ROMMEL BALTAR, ESMUNDO MALLILLIN, ALDRIN GALICIA, HENRY ALICNAS, DENMARK JUDERIAL, JUANITO MIÑON, JR., FROMENCIO ENACMAL, BENJAMIN IBAÑEZ, RICKY BAUTISTA, EDDIE KARIM, ALFREDO ROMANO, JR., MARIO SARMIENTO, DANILO MORALES, AND ALEX RIVERA,
Petitioners,

- versus -

DEPARTMENT OF JUSTICE, BUREAU OF CORRECTIONS, BUREAU OF JAIL MANAGEMENT AND PENOLOGY, AND PHILIPPINE NATIONAL POLICE,
Respondents.

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INMATES OF NEW BILIBID PRISON, AS REPRESENTED BY RUSSEL A. FUENSALIDA, TOSHING YIU, BENJAMIN D. GALVEZ, CERILO C. OBNIMAGA, URBANO D. MISON, ROLAND A. GAMBA, PABLO Z. PANAGA, AND ROMMEL T. DEANG,
Petitioners,

- versus -

G.R. No. 249027

Present:

GESMUNDO, *C.J.*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, and
SINGH, *JJ.*

G.R. No. 249155

Promulgated:

April 3, 2024

SECRETARY MENARDO GUEVARRA, DEPARTMENT OF JUSTICE, SECRETARY EDUARDO AÑO, DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, DIRECTOR GENERAL GERALD BANTAG, BUREAU OF CORRECTIONS, AND HON. ALLAN SULLANO IRAL, CHIEF, BUREAU OF JAIL MANAGEMENT AND PENOLOGY,

Respondents.

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DECISION

SINGH, *J.*:

Before the Court are two consolidated[1] Petitions for *Certiorari* and Prohibition (**Petitions**) filed under Rule 65 of the Rules of Court assailing the validity of the 2019 Revised Implementing Rules and Regulations of Republic Act (R.A.) No. 10592[2] (**2019 IRR**) for excluding persons convicted of heinous crimes from the application of the Good Conduct Time Allowance (GCTA).

The Facts

In G.R. No. 249027, petitioners Narciso B. Guinto (**Guinto**) (released and rearrested Prisoner N216P-3611), Rommel Baltar, Esmundo Mallillin, Aldrin Galicia, Henry Alicnas, Denmark Juderial, Juanito Miñon, Jr., Fromencio Enacmal, Benjamin Ibañez, Ricky Bautista, Eddie Karim, Alfredo Romano, Jr., Mario Sarmiento, Danilo Morales, and Alex Rivera (collectively, **Guinto et al.**) are inmates of the New Bilibid Prison's Maximum Security Compound and were convicted of heinous crimes. They filed the present Petition for *Certiorari* and Prohibition with prayer for issuance of a *status quo ante* order as real parties-in-interest and as representatives in a class suit for themselves and on behalf of all those who are similarly situated. According to Guinto et al., respondents Department of Justice (**DOJ**), Bureau of Corrections (**BuCor**), Bureau of Jail Management and Penology (**BJMP**), and the Philippine National Police (**PNP**) (collectively, the **respondents**) committed grave abuse of discretion

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1 *Rollo* (G.R. No. 249027), pp. 3–50; *rollo* (G.R. No. 249155), pp. 3–34.

2 An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, as Amended, Otherwise Known as The Revised Penal Code. Approved on May 29, 2023.

amounting to lack or excess of jurisdiction in excluding persons convicted of heinous crimes from the benefits of R.A. No. 10592, or the New GCTA law.[3]

According to Guinto et al., the dispositive portion of the Court's Decision in *Inmates of the New Bilibid Prison v. De Lima*[4] (***De Lima***) that ordered the re-computation of the time allowance of the "petitioners and all those who are similarly situated" did not make a distinction between those convicted of heinous crimes and those convicted of other crimes.[5] The dispositive portion of the said Decision reads as follows:

> WHEREFORE, the consolidated petitions are GRANTED. Section 4, Rule 1 of the Implementing Rules and Regulations of Republic Act No. 10592 is DECLARED invalid insofar as it provides for the prospective application of the grant of good conduct time allowance, time allowance for study, teaching and mentoring, and special time allowance for loyalty. The Director General of the Bureau of Corrections and the Chief of the Bureau of Jail Management and Penology are *REQUIRED to RE-COMPUTE with reasonable dispatch the time allowances due to petitioners and all those who are similarly situated* and, thereafter, to CAUSE their immediate release from imprisonment in case of full service of sentence, unless they are being confined thereat for any other lawful cause.
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> This Decision is IMMEDIATELY EXECUTORY.
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> SO ORDERED.[6] (Emphasis supplied)

As alleged in their Petition, Guinto et al. are on the list of those who were ordered to surrender by then President Rodrigo R. Duterte after a certificate of discharge from prison was issued to them. Particularly, Guinto averred that after surrendering to the police authorities, he was held at the Arayat Municipal Jail and was subsequently transferred to the New Bilibid Prison. According to Guinto, he was not a fugitive because he was discharged from prison by the Board of Pardons and Parole; thus, his discharge was entitled to the presumption of regularity.[7] Further, according to him, there was no judicial determination that his discharge was illegal and void.[8] He is therefore filing the present case on behalf of all other prisoners who were given certificates of discharge from prison, but were being asked to surrender without any judicial warrant or order.[9]

According to Guinto et al., they have no other plain, speedy, and adequate remedy in the ordinary course of law, except the present Petition as a "mode of judicial review against the acts of the Executive Department

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3 *Rollo* (G.R. No. 249027), p. 5.
4 854 Phil. 675 (2019) [Per J. Peralta, *En Banc*].
5 *Rollo* (G.R. No. 249027), pp. 4–5, Petition for Review on *Certiorari* and Prohibition.
6 *Inmates of the New Bilibid Prison v. De Lima*, 854 Phil. 674, 713 (2019) [Per J. Peralta, *En Banc*].
7 *Rollo* (G.R. No. 249027), p. 5.
8 *Id.* at 5–6.
9 *Id.* at 6.

rendered with grave abuse of discretion."[10] They seek to determine whether R.A. No. 10592 prevents any prisoner or person deprived of liberty (PDL), particularly those convicted of heinous crimes, from earning good conduct time allowances.

On September 16, 2019, the 2019 IRR of R.A. No. 10592 was issued.[11] Thus, on September 27, 2019, Guinto et al. filed a Supplement to the Petition.[12] Guinto, et al. alleged that the provisions of the 2019 IRR are unconstitutional for being inconsistent with the express provisions of R.A. No. 10592 and argued that "persons convicted with [sic] heinous crimes" are not prevented from earning the benefits of R.A. No. 10592.[13] They further claim that the phrase "persons charged with heinous crimes" contemplates only a person who is only undergoing preventive imprisonment, and not a person who has been convicted and is already serving his sentence considering that "persons charged with heinous crimes" is not the same as "persons convicted with [sic] heinous crimes."[14]

Guinto et al. prayed for the following: (1) issuance of a *status quo ante* order requiring the respondents to refrain from implementing their policy and legal position that "persons convicted [of] heinous crimes" are prohibited from earning time allowance under R.A. No. 10592; (2) declare that any convict, including those convicted of heinous crimes, are not prohibited from earning good conduct time allowance; and (3) enjoin respondents to compute time allowance under R.A. No. 10592 for convicted persons, including those who have been convicted of heinous crimes.[15]

Acting on the Court *En Banc*'s Notice,[16] dated October 1, 2019, respondents, through the Office of the Solicitor General (OSG), filed their Comment,[17] dated October 29, 2019. The OSG argued that the writs of *certiorari* and prohibition do not lie against the implementation of R.A. No. 10592 considering that the DOJ did not act in any judicial, quasi-judicial, or ministerial capacity when it issued the assailed 2019 IRR of R.A. No. 10592. Likewise, the BuCor, the BJMP, and the PNP merely implemented the 2019 IRR in the exercise of their administrative functions. The OSG further argued that the present Petition is not a plain, speedy, and adequate remedy in the ordinary course of law since the proper remedy to assail the alleged unlawful incarceration of Guinto et al. is through a petition for *habeas corpus*.[18] Moreover, the OSG alleged that Guinto et al. failed to exhaust administrative remedies before coming to the Court, which is fatal to their cause. The

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10 *Id.*
11 *Id.* at 147, Supplement to the Petition.
12 *Id.* at 147–178.
13 *Id.* at 151–152.
14 *Id.* at 152.
15 *Id.* at 162.
16 *Id.* at 141–142.
17 *Id.* at 179–191.
18 *Id.* at 186, Comment.

respondents prayed that the Petition be denied due course and dismissed for lack of merit.[19]

On November 5, 2019, the BJMP filed its Comment and Opposition to the Petition.[20] The BJMP submitted that Guinto et al.'s allegation that the exclusion of persons charged with heinous crimes should pertain only to preventive imprisonment under Article 29 of the Revised Penal Code (RPC), as amended by R.A. No. 10592, is an incorrect interpretation of the law.[21] In refutation of Guinto et al.'s allegations, the BJMP argued that the law excludes recidivists, habitual delinquents, escapees, and persons charged with heinous crimes from entitlement to the benefits of Credit for Preventive Imprisonment (CPI), Good Conduct Time Allowance (GCTA), Time Allowance for Study, Teaching or Mentoring (TASTM), Special Time Allowance for Loyalty (STAL), and all other benefits granted by R.A. No. 10592.[22]

The BJMP further argued that the allegations of Guinto et al. in support of their application for status *quo ante* order are not plausible since R.A. No. 10592 is clear when it provided that recidivists, habitual delinquents, escapees, and persons charged with heinous crimes are excluded from the coverage of R.A. No. 10592 and its IRR.[23] Likewise, the BJMP, citing *People v. Tan*,[24] posited that the surrender of Guinto et al. without a warrant of arrest is not a deprivation of their liberty without due process of law because they were not yet entitled to liberty at the time they were released considering that they are not entitled to the benefits of R.A. No. 10592, as their release was erroneous.[25]

In a Resolution,[26] dated November 19, 2019, the Court *En Banc* required Guinto et al. to file a consolidated reply to the comments of the respondents. On November 25, 2019, the Court received Guinto et al.'s Reply (with Urgent Motion to Resolve),[27] dated November 19, 2019. Guinto et al. argued that the respondents' Comment mainly focused on technicalities and insisted on the propriety of the legal remedy they resorted to.

Meanwhile, in G.R. No, 249155, petitioners Russel A. Fuensalida, Toshing Yiu, Benjamin D. Galvez, Cerilo C. Obnimaga, Urbano D. Mison, Roland A. Gamba, Pablo Z. Panaga, and Rommel T. Deang (collectively, Fuensalida et al.) averred that the 2019 IRR should be declared invalid for going beyond the letter of R.A. No. 10592, which it seeks to implement.

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19 *Id.* at 187–188.
20 *Id.* at 192–205.
21 *Id.* at 196.
22 *Id.*
23 *Id.* at 202.
24 125 Phil. 822 (1967) [Per J. Reyes, J.B.L., *En Banc*].
25 *Rollo* (G.R. No. 249027), p. 201.
26 *Id.* at 205-A–205-C.
27 *Id.* at 209–219.

The respondents, through the OSG, filed their Comment,[28] dated December 20, 2019, to the Petition filed by Fuensalida, et al. According to the respondents, the writs of *certiorari* and prohibition do not lie against the implementation of R.A. No. 10592. The respondents argued that the Petition filed by Fuensalida et al. is not the plain, speedy, and adequate remedy in the ordinary course of law since the issuance of the 2019 IRR of R.A. No. 10592 is an exercise of the DOJ and the DILG's quasi-legislative power and Fuensalida et al.'s remedy is to directly assail the said IRR before the Regional Trial Court.[29] The respondents averred that they did not commit grave abuse of discretion in the issuance of the 2019 IRR. In fact, the 2019 IRR filled in the details of R.A. No. 10592 to bring it into actual operation. They added that under the 2019 IRR, those who are entitled to CPI, GCTA, TASTM, and STAL are clearly enumerated, and it was passed to harmonize the application of the rules on credit for preventive imprisonment and the grant of increased time allowance for good conduct, including studying, teaching, and mentoring, and for loyalty, to qualified PDLs.[30]

In a Resolution,[31] dated November 26, 2019, the Court *En Banc* ordered the consolidation of G.R. No. 249027 and G.R. No. 249155.

The Issue

Whether recidivists, habitual delinquents, escapees, and persons charged with heinous crimes excluded from the benefits granted under R.A. No. 10592.

The Ruling of the Court

The judiciary plays an indispensable role in our democratic system of government as the ultimate guardian of the Constitution and the last bastion and final protector of the people's rights. "The political departments, if only because of the nature of their powers, have a tendency to bend if not actually break the laws, sometimes for the best of motives or out of mistaken zeal[.]"[32] When the political departments do so, the judiciary is expected to rectify the wrong and affirm its sacred and solemn duty to uphold the Constitution and the laws of the land.[33]

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28 *Id.* at 220–235.
29 *Id.* at 230.
30 *Id.* at 231.
31 *Rollo* (G.R. No. 249155), pp. 57-A–57-B.
32 ISAGANI CRUZ, CONSTITUTIONAL LAW, p. 38 (2015).
33 *Id.*

Procedural Issues

According to Guinto et al., they have no other plain, speedy, and adequate remedy in the ordinary course of law, except the present Petition as a "mode of judicial review against the acts of the Executive Department rendered with grave abuse of discretion." However, the respondents argue that the writs of *certiorari* and prohibition do not lie against the implementation of R.A. No. 10592 considering that the DOJ did not act in any judicial, quasi-judicial, or ministerial capacity when it issued the assailed 2019 IRR of R.A. No. 10592. Likewise, the BuCor, the BJMP, and the PNP merely implemented the 2019 IRR in the exercise of their administrative functions. The OSG further argued that the present Petition is not the plain, speedy, adequate remedy in the ordinary course of law since the proper remedy to assail the alleged unlawful incarceration is through a petition for *habeas corpus*.[34]

As aptly explained in *Araullo et al. v. Aquino III et al.*[35] (***Araullo***), petitions for *certiorari* and prohibition are appropriate remedies to raise constitutional issues and to review and/or prohibit or nullify the acts of legislative and executive officials.[36] *Araullo* explained:

> [The] remedies of *certiorari* and prohibition are necessarily broader in scope and reach, and the writ of *certiorari* or prohibition may be issued to correct errors of jurisdiction committed not only by a tribunal, corporation, board or officer exercising judicial, quasi-judicial or ministerial functions but also to set right, undo and restrain any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Government, even if the latter does not exercise judicial, quasi-judicial or ministerial functions. This application is expressly authorized by the text of the second paragraph of Section 1, supra.
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> . . . .
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> Necessarily, in discharging its duty under Section 1, supra, to set right and undo any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Government, the Court is not at all precluded from making the inquiry provided the challenge was properly brought by interested or affected parties. The Court has been thereby entrusted expressly or by necessary implication with both the duty and the obligation of determining, in appropriate cases, the validity of any assailed legislative or executive action. This entrustment is consistent with the republican system of checks and balances.[37]

Similar to the present case is *De Lima*, where the Court ruled that the exercise of the power of judicial review is necessary to resolve the controversy engulfing the implementation of R.A. No. 10592. *De Lima* explained:

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34 *Rollo*, p. 186.
35 737 Phil. 457 (2014) [Per J. Bersamin, *En Banc*].
36 *Id.* at 531.
37 *Id.*

> There is an actual case or controversy in the case at bar because there is a contrariety of legal rights that can be interpreted and enforced on the basis of existing law and jurisprudence . . . The legal issue posed is ripe for adjudication as the challenged regulation has a direct adverse effect on petitioners and those detained and convicted prisoners who are similarly situated. There exists an immediate and/or threatened injury and they have sustained or are immediately in danger of sustaining direct injury as a result of the act complained of. In fact, while the case is pending, petitioners are languishing in jail. If their assertion proved to be true, their illegal confinement or detention in the meantime is oppressive. With the prisoners' continued incarceration, any delay in resolving the case would cause them great prejudice. Justice demands that they be released soonest, if not on time.[38]

Contrary, however, to Guinto et al. and Fuensalida, et al.'s (collectively, the petitioners) claim that "they have no other plain, speedy, and adequate remedy in the ordinary course of law" to assail their unlawful incarceration but the present Petitions, a petition for *habeas corpus* is extraordinary and summary in nature, consistent with the law's zealous regard for personal liberty.[39]

Rule 102, Section 1 of the Rules of Court expressly provides:

> Rule 102
> *Habeas Corpus*
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> Section 1. *To what habeas corpus extends.* — Except as otherwise expressly provided by law, *the writ of habeas corpus shall extend to all cases of illegal confinement or detention by which any person is deprived of his liberty, or by which the rightful custody of any person is withheld from the person entitled thereto.* (Emphasis supplied)

As early as 1919, the Court has already declared in *Villavicencio v. Lukban*[40] that the writ of *habeas corpus* was devised and exists as a speedy and effectual remedy to relieve persons from unlawful restraint, and serves as the best and sufficient defense of personal freedom.[41] As enunciated in *Calvan v. Court of Appeals*,[42] the writ of *habeas corpus*, although not designed to interrupt the orderly administration of justice, can be invoked by the attendance of a special circumstance that requires immediate action.[43] This remedy is available for any form of illegal restraint, the nature of the restraint need not be related to any offense. The writ may still be availed of as a post-conviction remedy or where there has been a violation of the liberty of abode.[44] Accordingly, the remedy may also be availed of even when the

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38 854 Phil. 675, 694 (2019) [Per J. Peralta, *En Banc*].
39 *In Re Salibo v. Warden*, 757 Phil. 630, 644 (2015) [Per J. Leonen, Second Division].
40 39 Phil. 778 (1919) [Per J. Malcolm].
41 *Id.* at 788.
42 396 Phil. 133 (2000) [Per J. Vitug, Third Division].
43 *Id.* at 144–145.
44 *In re Boratong*, 882 Phil. 439, 466 (2020) [Per J. Leonen, *En Banc*].

deprivation of liberty has already been judicially ordained.[45] To justify the grant of the writ of *habeas corpus*, what is essential is that the person seeking the relief, be it in his favor or for another, is illegally deprived of his or her freedom of movement of or that he or she is placed in some form of illegal restraint.

Specifically, the writ is available to (a) obtain immediate relief from illegal confinement, (b) liberate those who may be imprisoned without sufficient cause, and (c) deliver them from unlawful custody.[46]

Verily, the extraordinary writ of *habeas corpus* is available to the petitioners as a more expeditious and ample way to determine the legality of their confinement considering that, as claimed by the petitioners, "hundreds of those released are already in custody and deprived of their liberty."[47]

The determination of whether a PDL is entitled to immediate release would, however, necessarily involve ascertaining, among others, the actual length of time a PDL has actually been detained and whether time allowance for good conduct should be granted. Such an exercise is necessarily more properly ventilated in a separate proceeding and better undertaken by a trial court, which is better equipped to make findings of fact and both fact and law. This is the primary reason behind the doctrine of hierarchy of courts. As enunciated in *Gios-Samar v. DOTC*:[48]

> [W]hile this Court has original and concurrent jurisdiction with the RTC and the CA in the issuance of writs of *certiorari*, prohibition, *mandamus*, *quo warranto*, and *habeas corpus* (extraordinary writs), direct recourse to this Court is proper only to seek resolution of questions of law. Save for the single specific instance provided by the Constitution under Section 18, Article VII, cases the resolution of which depends on the determination of questions of fact cannot be brought directly before the Court because we are not a trier of facts. We are not equipped, either by structure or rule, to receive and evaluate evidence in the first instance; these are the primary functions of the lower courts or regulatory agencies. This is the *raison d'etre* behind the doctrine of hierarchy of courts. It operates as a constitutional filtering mechanism designed to enable this Court to focus on the more fundamental tasks assigned to it by the Constitution. It is a bright-line rule which cannot be brushed aside by an invocation of the transcendental importance or constitutional dimension of the issue or cause raised.[49] (Citations omitted)

Moreover, in *Aspacio v. Inciong*,[50] the Court emphasized that it is not a trier of facts and its sole role is to apply the law based on the findings of facts

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45 *Id.* at 468.

46 MAGDANGAL M. DE LEON & DIANNA LOUISE R. WILWAYCO, SPECIAL PROCEEDINGS: ESSENTIAL FOR BENCH AND BAR, p. 391 (2020).

47 *Rollo* (G.R. No. 249027), p. 22.

48 849 Phil. 120 (2019) [Per J. Jardeleza, *En Banc*].

49 *Id.* at 149–150.

50 244 Phil. 180 (1988) [Per J. Gancayco, First Division].

brought before it.[51] Evidently, although the trial courts, the Court of Appeals, and the Court has concurrent jurisdiction *apropos* the issuance of writs of *habeas corpus*, direct recourse to the Court is still improper considering the determination of the propriety of the issuance thereof requires evaluation of facts, to which the Court, as a rule, is not equipped to receive in its original jurisdiction. To reiterate, this doctrine is not mere policy, rather, it is a constitutional filtering mechanism designed to enable the Court to focus on the more fundamental and essential tasks assigned to it by the highest law of the land.[52]

Substantive Issues

R.A. No. 10592 was approved on May 29, 2013 and effectively amended Articles 29, 94, 97, 98, and 99 of the RPC. The amendments are as follows:

> Section 1. Article 29 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:
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> "ART. 29. *Period of preventive imprisonment deducted from term of imprisonment.* – Offenders or accused who have undergone preventive imprisonment shall be credited in the service of their sentence consisting of deprivation of liberty, with the full time during which they have undergone preventive imprisonment if the detention prisoner agrees voluntarily in writing after being informed of the effects thereof and with the assistance of counsel to abide by the same disciplinary rules imposed upon convicted prisoners, except in the following cases:
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> "1. When they are recidivists, or have been convicted previously twice or more times of any crime; and
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> "2. When upon being summoned for the execution of their sentence they have failed to surrender voluntarily.
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> "If the detention prisoner does not agree to abide by the same disciplinary rules imposed upon convicted prisoners, he shall do so in writing with the assistance of a counsel and shall be credited in the service of his sentence with four-fifths of the time during which he has undergone preventive imprisonment.
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> "Credit for preventive imprisonment for the penalty of *reclusion perpetua* shall be deducted from [thirty] (30) years.
>
> "Whenever an accused has undergone preventive imprisonment for a period equal to the possible maximum imprisonment of the offense charged 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 thereof or the proceeding on appeal, if the same is under review. Computation of preventive imprisonment for purposes of immediate release under this paragraph shall be the actual period of detention with good

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51 *Id.*

52 *Gios-Samar v. DOTC*, 849 Phil. 120, 131–132 (2019) [Per J. Jardeleza, *En Banc*].

conduct time allowance: *Provided, however*, That if the accused is absent without justifiable cause at any stage of the trial, the court may *motu proprio* 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 may be sentenced is *destierro,* he shall be released after thirty (30) days of preventive imprisonment." (Underscoring supplied)

Section 2. Article 94 of the same Act is hereby further amended to read as follows:

"ART. 94. *Partial extinction of criminal liability.* – Criminal liability is extinguished partially:

"1. By conditional pardon;

"2. By commutation of the sentence; and

"3. For good conduct allowances which the culprit may earn while he is undergoing preventive imprisonment or serving his sentence."

Section 3. Article 97 of the same Act is hereby further amended to read as follows:

"ART. 97. *Allowance for good conduct.* – The good conduct of any offender qualified for credit for preventive imprisonment pursuant to Article 29 of this Code, or of any convicted prisoner in any penal institution, rehabilitation or detention center or any other local jail shall entitle him to the following deductions from the period of his sentence:

"1. During the first two years of imprisonment, he shall be allowed a deduction of twenty days for each month of good behavior during detention;

"2. During the third to the fifth year, inclusive, of his imprisonment, he shall be allowed a reduction of twenty-three days for each month of good behavior during detention;

"3. During the following years until the tenth year, inclusive, of his imprisonment, he shall be allowed a deduction of twenty-five days for each month of good behavior during detention;

"4. During the eleventh and successive years of his imprisonment, he shall be allowed a deduction of thirty days for each month of good behavior during detention; and

"5. At any time during the period of imprisonment, he shall be allowed another deduction of fifteen days, in addition to numbers one to four hereof, for each month of study, teaching or mentoring service time rendered.

"An appeal by the accused shall not deprive him of entitlement to the above allowances for good conduct."

Section 4. Article 98 of the same Act is hereby further amended to read as follows:

"ART. 98. *Special time allowance for loyalty.* – A deduction of one[-]fifth of the period of his sentence shall be granted to any prisoner who,

having evaded his preventive imprisonment or the service of his sentence under the circumstances mentioned in Article 158 of this Code, gives himself up to the authorities within 48 hours following the issuance of a proclamation announcing the passing away of the calamity or catastrophe referred to in said article. A deduction of two-fifths of the period of his sentence shall be granted in case said prisoner chose to stay in the place of his confinement notwithstanding the existence of a calamity or catastrophe enumerated in Article 158 of this Code.

"This Article shall apply to any prisoner whether undergoing preventive imprisonment or serving sentence." (Emphasis supplied)

Accordingly, the 2019 IRR provides:

Rule IV
GOOD CONDUCT TIME ALLOWANCE (GCTA)

Section 1. *GCTA During Preventive Imprisonment.* – The good conduct of the detained PDL qualified for credit for preventive imprisonment shall entitle him to the deductions described in Section 3 hereunder, as GCTA, from the possible maximum penalty.

The following shall not be entitled to any GCTA during preventive imprisonment:

a. Recidivists;
b. An accused who has been convicted previously twice or more times of any crime
c. An accused who, upon being summoned for the execution of his sentence has failed to surrender voluntarily before a court of law;
d. Habitual Delinquents;
e. Escapees; and
f. PDL charged of [sic] Heinous Crimes.

Section 2. *GCTA During Service of Sentence.* – The good conduct of a PDL convicted by final judgment in any penal institution, rehabilitation or detention center or any other local jail shall entitle him to the deductions described in Section 3 hereunder, as GCTA, from the period of his sentence, pursuant to Section 3 of RA No. 10592

The following shall not be entitled to any GCTA during service of sentence:

a. Recidivists;
b. Habitual Delinquents;
c. Escapees; and
d. PDL convicted of Heinous Crimes.

. . . .

RULE V
TIME ALLOWANCE FOR STUDY, TEACHING AND MENTORING (TASTM)

. . . .

Section 2. *Who are Disqualified. – The following shall not be entitled to TASTM:*

a. Recidivists;
b. Habitual Delinquents;
c. Escapees; and
d. PDL charged and convicted of Heinous Crimes.

RULE VI
IMMEDIATE RELEASE OF A PDL UNDER PREVENTIVE IMPRISONMENT

. . . .

Section 2. *Who are Disqualified. – The following are not qualified to be released under this Rule:*

a. Recidivists;
b. An accused who has been convicted previously twice or more times of any crime;
c. An accused who, upon being summoned for the execution of his sentence has failed to surrender voluntarily before a court of law;
d. Habitual Delinquents;
e. Escapees; and
f. PDL charged of [sic] Heinous Crimes.

RULE VII
SPECIAL TIME ALLOWANCE FOR LOYALTY (STAL)

. . . .

Section 2. *Who are Disqualified. – The following shall not be entitled to STAL:*

a. Recidivists;
b. Habitual Delinquents;
c. Escapees; and
d. PDL charged or convicted of Heinous Crimes.

RULE X
PARTIAL EXTINCTION OF CRIMINAL LIABILITY

Section 1. *Partial Extinction of Criminal Liability.* – Criminal liability is extinguished partially:

a. By conditional pardon;
b. By commutation of sentence; and
c. For good conduct time allowances which the culprit may earn while he is undergoing preventive imprisonment or serving sentence.

> The grant of time allowances to a disqualified PDL, whether under the previous or present Rules, shall not extinguish criminal liability.

Likewise, the 2019 IRR defined "Heinous Crimes" as:

> n. *"Heinous Crimes"* – crimes which are grievous, odious and hateful to the senses and which, by reason of their inherent and or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society, including crimes which are mandatorily punishable by Death under the provisions of RA No. 7659, as amended, otherwise known as the Death Penalty Law, and those crimes specifically declared as such by the Supreme Court[.]

R.A. No. 7659,[53] as amended by R.A. No. 9346,[54] provided what crimes are considered as heinous. The following are: (1) Treason; (2) Piracy and Mutiny on the high seas or in the Philippine waters; (3) Qualified Piracy; (4) Qualified Bribery; (5) Parricide; (6) Murder; (7) Infanticide; (8) Kidnapping and Serious Illegal Detention; (9) Robbery with violence against or intimidation of persons; (10) Destructive Arson; (11) Rape; (12) Plunder; and (13) Importation, Distribution, Manufacture and Possession of Illegal Drugs, among others.

The bone of contention of the petitioners is the application of R.A. No. 10592 to benefit those convicted of heinous crimes. They argue that "persons convicted with [sic] heinous crimes" are not prevented from earning the benefits under R.A. No. 10592.

The argument is tenable.

Before the advent of R.A. No. 10592, Article 97 of the RPC reads:

> Article 97. *Allowance for good conduct.* – The good conduct of any prisoner in any penal institution shall entitle him to the following deductions from the period of his sentence:
>
> 1. During the first two years of his imprisonment, he shall be allowed a deduction of five days for each month of good behavior;
>
> 2. During the third to the fifth year, inclusive of his imprisonment, he shall be allowed a deduction of eight days for each month of good behavior;
>
> 3. During the following years until the tenth year, inclusive, of his imprisonment, he shall be allowed a deduction of ten days for each month of good behavior; and

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53 An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, as Amended, Other Special Penal Laws, and for Other Purposes (1993).

54 An Act Prohibiting the Imposition of Death Penalty in the Philippines (2006).

4. During the eleventh and successive years of imprisonment, he shall be allowed a deduction of fifteen days for each month of good behavior.

Section 3 of R.A. No. 10592 amended Article 97 of the RPC which reads as follows:

> Section 3. Article 97 of the same Act is hereby further amended to read as follows:
>
> "ART. 97. *Allowance for good conduct. – The good conduct of any offender qualified for credit for preventive imprisonment pursuant to Article 29 of this Code, or of any convicted prisoner in any penal institution, rehabilitation or detention center or any other local jail shall entitle him to the following deductions from the period of his sentence:*
>
> "1. During the first two years of imprisonment, he shall be allowed a deduction of twenty days for each month of good behavior during detention;
>
> "2. During the third to the fifth year, inclusive, of his imprisonment, he shall be allowed a reduction of twenty-three days for each month of good behavior during detention;
>
> "3. During the following years until the tenth year, inclusive, of his imprisonment, he shall be allowed a deduction of twenty-five days for each month of good behavior during detention;
>
> "4. During the eleventh and successive years of his imprisonment, he shall be allowed a deduction of thirty days for each month of good behavior during detention; and
>
> "5. At any time during the period of imprisonment, he shall be allowed another deduction of fifteen days, in addition to numbers one to four hereof, for each month of study, teaching or mentoring service time rendered.
>
> "An appeal by the accused shall not deprive him of entitlement to the above allowances for good conduct."

Article 97 of the RPC, as amended by Section 3 of R.A. No. 10592, used the coordinating conjunction "or" which is used to join two independent clauses[55] "[t]he good conduct of any offender qualified for credit for preventive imprisonment pursuant to Article 29 of this Code" and "or of any convicted prisoner in any penal institution, rehabilitation or detention center or any other local jail[.]" Further, "or" is a coordinating conjunction that is used to express alternative ideas. As elucidated by Chief Justice Alexander G. Gesmundo (**Chief Justice Gesmundo**) during deliberations, the use of comma "," and the conjunction "or" separates the two categories entitled to GCTA, which are: (1) any offender qualified for credit for preventive imprisonment, pursuant to Article 29 of the RPC, as amended by Section 1 of

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[55] John Eastwood, *The Oxford Guide To English Grammar*, p. 324, *available at* https://ia800305.us.archive.org/31/items/ilhem_20150408_1814/%5BJohn_Eastwood%5D_Oxford_Guide_to_English_Grammar.pdf (last accessed on January 12, 2024).

R.A. No. 10592, and (2) any convicted prisoner in any penal institution, rehabilitation, or detention center in any other local jail.[56]

As illustrated by Associate Justice Alfredo Benjamin S. Caguioa, when two persons are charged, arrested, detained, and subsequently sentenced one for qualified theft and the other for parricide, and both were preventively imprisoned for 10 years before they were convicted by final judgment at the end of their 10th year and throughout their imprisonment, they exhibited good conduct until the end of their 15th year, the effects of Article 97, as amended by R.A. No. 10592,[57] shall be as follows:

> 1. The person convicted of qualified theft, who is not a recidivist, habitual delinquent, escapee or person charged with a heinous crime, will be released from prison after serving 7.37 years, taking into consideration his or her period of preventive imprisonment, GCTA earned during preventive imprisonment, and GCTA earned after conviction by final judgment;[58] and
>
> 2. The person charged with a heinous crime and later convicted of one will be released from prison after serving 25.06 years, taking into account only his or her GCTA earned after his or her conviction by final judgment.[59]

Otherwise stated, since qualified theft is not a heinous crime, the person charged with the same may already earn GCTA credits during their preventive imprisonment. On the other hand, the person charged with parricide, which is considered a heinous crime, may only avail the benefits of GCTA only after they are convicted pursuant to Article 97 of the RPC, as amended by R.A. No. 10592, which provides that "any convicted prisoner in any penal institution, rehabilitation or detention center or any other local jail shall entitle [them] to the following deductions[.]"[60]

Rule IV, Section 2, Rule VII, Section 2, and the last paragraph of Rule XIII, Section 1 of the 2019 IRR are invalid and are against R.A. No. 10592 and the Constitution

The petitioners allege that the provisions of the IRR are unconstitutional for being inconsistent with the express provisions of R.A. No.

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56 Letter of Chief Justice Alexander G. Gesmundo, dated November 21, 2023, p. 3.

57 Reflection of Associate Justice Alfredo Benjamin S. Caguioa, dated August 22, 2023, pp. 10–12.

58 *Id.* at 11.

59 *Id.*

60 Similarly, Justice Ricardo R. Rosario opines that persons charged with heinous crimes are not entitled to earn GCTA during preventive imprisonment, but persons convicted thereof are entitled to earn GCTA during service of sentence.

10592 and argue that "persons convicted [of] heinous crimes" are not prevented from earning the benefits of R.A. No. 10592. They further insist that R.A. No. 10592 only pertains to "persons charged with heinous crimes" and not to persons who have been convicted and are already serving their sentence.[61] According to the petitioners, the provisions of the 2019 IRR adopted an interpretation that is strict or less lenient to the accused[62] and should be stricken down pursuant to the prevailing doctrine that an IRR cannot go beyond the terms and provisions of the basic law since the executive department cannot amend or modify legislation.[63]

The power of subordinate legislation allows administrative bodies to implement the broad policies laid down in a statute by filling in the details which the legislature may not have the opportunity or competence to provide.[64] In *Calalang v. Williams*,[65] the Court recognized the complexities of modern governments and the increased difficulty of administering laws:

> [T]his Court had occasion to observe that the principle of separation of powers has been made to adapt itself to the complexities of modern governments, giving rise to the adoption, within certain limits, of the principle of "subordinate legislation," not only in the United States and England but in practically all modern governments. Accordingly, with the growing complexity of modern life, the multiplication of the subjects of governmental regulations, and the increased difficulty of administering the laws, the rigidity of the theory of separation of governmental powers has, to a large extent, been relaxed by permitting the delegation of greater powers by the legislative and vesting a larger amount of discretion in administrative and executive officials, not only in the execution of the laws, but also in the promulgation of certain rules and regulations calculated to promote public interest.[66]

The purpose of IRRs is to "fill in" the details pursuant to a delegated authority to determine some fact or state of things upon which the enforcement of law depends.[67] These IRRs have the force and effect of law.[68] All that is required for the valid exercise of this power of subordinate legislation is that the regulation be germane to the objects and purposes of the law and that the regulation be not in contradiction to, but in conformity with, the standards prescribed by the law,[69] following the legal truism that the "spring cannot rise higher than its source":

> To be valid, the delegation itself must be circumscribed by legislative restrictions, not a "roving commission" that will give the delegate unlimited legislative authority. It must not be a delegation "running riot" and "not

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61 *Rollo* (G.R. No. 249027), p. 152, Supplement to the Petition.
62 *Id.* at 155.
63 *Id.* at 148.
64 *See Sigre v. Court of Appeals*, 435 Phil. 711, 719 (2002) [Per J. Austria-Martinez, First Division].
65 70 Phil. 726 (1940) [Per J. Laurel, First Division].
66 *Id.* at 732–733.
67 *United States v. Ang Tang Ho*, 43 Phil. 1 (1922) [Per J. Johns, *En Banc*].
68 ISAGANI CRUZ, PHILIPPINE POLITICAL LAW, pp. 174–175 (2014).
69 *Gerochi v. Department of Energy*, 554 Phil. 563, 584–585 (2007) [Per J. Nachura, *En Banc*].

> canalized with banks that keep it from overflowing." Otherwise, the delegation is in legal effect an abdication of legislative authority, a total surrender by the legislature of its prerogatives in favor of the delegate.[70]

The two tests to determine the validity of delegation of legislative power are: (1) the completeness test and (2) the sufficient standard test. A law is complete when it sets forth therein the policy to be executed, carried out, or implemented by the delegate.[71] It lays down a sufficient standard when it provides adequate guidelines or limitations in the law to map out the boundaries of the delegate's authority and prevent the delegation from running riot. To be sufficient, the standard must specify the limits of the delegate's authority, announce the legislative policy, and identify the conditions under which it is to be implemented.[72]

The assailed provisions of the 2019 IRR read:

> RULE IV
> GOOD CONDUCT TIME ALLOWANCE (GCTA)
>
> . . . .
>
> Section 2. *GCTA During Service of Sentence.* – The good conduct of a PDL convicted by final judgment in any penal institution, rehabilitation or detention center or any other local jail shall entitle him to the deductions described in Section 3 hereunder, as GCTA, from the period of his sentence, pursuant to Section 3 of RA No. 10592.
>
> The following shall not be entitled to any GCTA during service of sentence:
>
> a. Recidivists;
> b. Habitual Delinquents;
> c. Escapees; and
> d. *PDL convicted of Heinous Crimes.* (Emphasis supplied)
>
> RULE VII
> SPECIAL TIME ALLOWANCE FOR LOYALTY (STAL)
>
> . . . .
>
> Section 2. *Who are Disqualified.* – The following shall not be entitled to STAL:
>
> a. Recidivists;
> b. Habitual Delinquents;
> c. Escapees; and
> d. *PDL charged or convicted of Heinous Crimes.* (Emphasis supplied)

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70 ISAGANI CRUZ, PHILIPPINE POLITICAL LAW, p. 97 (1996).
71 *Pelaez v. The Auditor General*, 122 Phil. 965 (1965) [Per J. Concepcion, *En Banc*].
72 *ABAKADA Guro Party list v. Purisima*, 584 Phil. 246, 272 (2008) [Per J. Corona, *En Banc*].

RULE X
PARTIAL EXTINCTION OF CRIMINAL LIABILITY

Section 1. Partial Extinction of Criminal Liability. – Criminal liability is extinguished partially:

a. By conditional pardon;
b. By commutation of sentence; and
c. For good conduct time allowances which the culprit may earn while he is undergoing preventive imprisonment or serving sentence.

The grant of time allowances to a disqualified PDL, whether under the previous or present Rules, shall not extinguish criminal liability. (Emphasis supplied)

As aptly pointed by Chief Justice Gesmundo, prior to Section 3 of R.A. No. 10592's amendment to Article 97 of the RPC, Article 97 did not contain any qualification as to the applicability of the GCTA. The limitation of the application of GCTA is found in Article 94,[73] which states:

Art. 94. *Partial Extinction of Criminal Liability.* – Criminal liability is extinguished partially:

1. By conditional pardon;
2. By commutation of the sentence; and
3. For good conduct allowances which the culprit may earn while he [or she] is serving his [or her] sentence.

Moreover, when Article 97 used the connecting conjunction "or" to express that (1) "any offender qualified for credit imprisonment pursuant to Article 29 of the RPC," as amended by Section 1 of R.A. No. 10592, and in the alternative, (2) "any convicted prisoner in any penal institution, rehabilitation, or detention center in any other local jail" may avail of the benefits granted by R.A. No. 10592, the 2019 IRR exceeded the scope of its legislative power when it excluded recidivists, habitual delinquents, escapees, and PDLs convicted of heinous crimes from earning GCTA credits during their service of sentence when the law itself did not do so.

Thus, with the passage of R.A. No. 10592, Section 2 thereof effectively amended Article 94, which now reads as follows:

Art. 94. *Partial extinction of criminal liability.* – Criminal liability is extinguished partially:

1. By conditional pardon;
2. By commutation of the sentence; and

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[73] Letter of Chief Justice Alexander G. Gesmundo, dated November 21, 2023, p. 4–6.

3. For good conduct allowances which the culprit may earn while he [or she] is undergoing preventive imprisonment or serving his [or her] sentence.

Therefore, the following may earn GCTA credits:

1. Those offenders who are not recidivists, habitual delinquents, escapees, and charged with heinous crimes under Article 29 of the RPC, as amended by R.A. No. 10592; and

2. Those offenders who are already convicted, regardless if they are recidivists, habitual delinquent, escapees, or convicted of heinous crimes, so long as they are in any penal institution, rehabilitation or detention center or any local jail pursuant to Article 97 of the RPC, as amended by R.A. No. 10592.

Clearly, the DOJ exceeded the rule-making powers granted by R.A. No. 10592 when it included Rule IV, Section 2 and Rule VII, Section 2 of the 2019 IRR, which contradict Section 3 of R.A. No. 10592, by expanding the scope of offenders that cannot earn GCTA credits, to the latter's prejudice.

Consequently, as observed by Associate Justice Rodil V. Zalameda during deliberations, the last paragraph of Rule XIII, Section 1 of the 2019 IRR in so far as it disqualifies PDLs who are subsequently convicted by final judgment after the effectivity of R.A. No. 10592 should likewise be nullified:

RULE XIII
TRANSITORY AND FINAL PROVISIONS

Section 1. *Transitory Provisions*. — The grant of time allowances to a PDL under RA No. 10592 shall be retroactive in application, provided that such PDL is not disqualified under the said law and these Rules.

However, a disqualified PDL who had been under preventive imprisonment or had commenced the service of his sentence by final judgment prior to the effectivity of RA No. 10592 shall be entitled to CPI and time allowances that had already accrued, and shall continue to be entitled to such time allowances authorized to be granted, in accordance with the applicable provisions of the RPC.

A disqualified PDL under preventive imprisonment *or who has commenced the service of his sentence by final judgment after effectivity of RA No. 10592* shall not be entitled to any CPI or Time Allowances. (Emphasis supplied)

As discussed, Article 97 of the RPC, as amended by R.A. No. 10592, allows any convicted prisoner to be entitled to GCTA as long as the prisoner

is in any penal institution, rehabilitation or detention center or any other local jail.

ACCORDINGLY, the Petitions for *Certiorari* and Prohibition in G.R. Nos. 249027 and 249155 are **GRANTED**. Rule IV, Section 2, Rule VII, Section 2, and the last paragraph of Rule XIII, Section 1 of the 2019 Revised Implementing Rules and Regulation of Republic Act No. 10592 in so far as it disqualifies persons deprived of liberty who are subsequently convicted by final judgment are **NULLIFIED**. The Respondents are required to compute the Petitioners' good conduct time allowance in accordance with this ruling.

SO ORDERED.

MARIA FILOMENA D. SINGH
Associate Justice

WE CONCUR:

Concurring Opinion

ALEXANDER G. GESMUNDO
Chief Justice

See Concurring Opinion

MARVIC M.V.F. LEONEN
Senior Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
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AMY C. LAZARO-JAVIER
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HENRI JEAN PAUL B. INTING
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RODIL V. ZALAMEDA
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MARIO V. LOPEZ
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SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

ANTONIO T. KHO, JR.
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13, of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court.

ALEXANDER G. GESMUNDO
Chief Justice