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[G.R. No. 212719, June 25, 2019]

INMATES OF THE NEW BILIBID PRISON, MUNTINLUPA CITY, NAMELY: VENANCIO A. ROXAS, SATURNINO V. PARAS, EDGARDO G. MANUEL, HERMINILDO V. CRUZ, ALLAN F. TEJADA, ROBERTO C. MARQUEZ, JULITO P. MONDEJAR, ARMANDO M. CABUANG, JONATHAN O. CRISANTO, EDGAR ECHENIQUE, JANMARK SARACHO, JOSENEL ALVARAN, AND CRISENCIO NERI, JR., PETITIONERS, VS. SECRETARY LEILA M. DE LIMA, DEPARTMENT OF JUSTICE; AND SECRETARY MANUEL A. ROXAS II, DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, RESPONDENTS.

ATTY. RENE A.V. SAGUISAG, SR., PETITIONER-INTERVENOR,

WILLIAM M. MONTINOLA, FORTUNATO P. VISTO, AND ARESENIO C. CABANILLA, PETITIONERS-INTERVENORS,

[G.R. No. 214637]

REYNALDO D. EDAGO, PETER R. TORIDA, JIMMY E. ACLAO, WILFREDO V. OMERES, PASCUA B. GALLADAN, VICTOR M. MACOY, JR., EDWIN C. TRABUNCON, WILFREDO A. PATERNO, FEDERICO ELLIOT, AND ROMEO R. MACOLBAS, PETITIONERS, VS. SECRETARY LEILA M. DE LIMA, DEPARTMENT OF JUSTICE; SECRETARY MANUEL A. ROXAS II, DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT; ACTING DIRECTOR FRANKLIN JESUS B. BUCAYU, BUREAU OF CORRECTIONS; AND JAIL CHIEF SUPERINTENDENT DIONY DACANAY MAMARIL, BUREAU OF JAIL MANAGEMENT AND PENOLOGY, RESPONDENTS.

DECISION

PERALTA, J.:

The sole issue for resolution in these consolidated cases[1] is the legality of Section 4, Rule 1 of the Implementing Rules and Regulations (*IRR*) of Republic Act (*R.A.*) No. 10592,[2] which states:

> SECTION 4. *Prospective Application*. - Considering that these Rules provide for new procedures and standards of behavior for the grant of good conduct time allowance as provided in Section 4 of Rule V hereof and require the creation of a Management, Screening and Evaluation Committee (MSEC) as provided in Section 3 of the same Rule, the grant of good conduct time allowance under Republic Act No. 10592 shall be prospective in application.

> The grant of time allowance of study, teaching and mentoring and of special time allowance for loyalty shall also be prospective in application as these privileges are likewise subject to the management, screening and evaluation of the MSEC.[3]

The Case

On May 29, 2013, then President Benigno S. Aquino III signed into law R.A. No. 10592, amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, or the *Revised Penal Code* (*RPC*).[4] For reference, the modifications are underscored as follows:

> 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.
>
> **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 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.

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.

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 (his) 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 deduction 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.

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.

ART. 99. *Who grants time allowances*. - Whenever lawfully justified, the **Director of the Bureau of Corrections, the Chief of the Bureau of Jail Management and Penology and/or the Warden of a provincial, district, municipal or city jail** shall grant allowances for good conduct. Such allowances once granted shall not be revoked. (Emphases ours)

Pursuant to the amendatory law, an IRR was jointly issued by respondents Department of Justice (*DOJ*) Secretary Leila M. De Lima and Department of the Interior and Local Government (*DILG*) Secretary Manuel A. Roxas II on March 26, 2014 and became effective on April 18, 2014.[5] Petitioners and intervenors assail the validity of its Section 4, Rule 1 that directs the prospective application of the grant of good conduct time allowance (*GCTA*), time allowance for study, teaching and mentoring (*TASTM*), and special time allowance for loyalty (*STAL*) mainly on the ground that it violates Article 22 of the RPC.[6]

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On June 18, 2014, a Petition for *Certiorari* and Prohibition (with Prayer for the Issuance of a Preliminary Injunction)[7] was filed against respondents DOJ Secretary De Lima and DILG Secretary Roxas by Atty. Michael J. Evangelista acting as the attorney-in-fact[8] of convicted prisoners in the New Bilibid Prison (*NBP*), namely: Venancio A. Roxas, Saturnino V. Paras, Edgardo G. Manuel, Herminildo V. Cruz, Allan F. Tejada, Roberto C. Marquez, Julito P. Mondejar, Armando M. Cabuang, Jonathan O. Crisanto, Edgar Echenique, Janmark Saracho, Josenel Alvaran, and Crisencio Neri, Jr. (*Roxas et al.*). Petitioners filed the case as real parties-in-interest and as representatives of their member organizations and the organizations' individual members, as a class suit for themselves and in behalf of all who are similarly situated. They contend that the provisions of R.A. No. 10592 are penal in nature and beneficial to the inmates; hence, should be given retroactive effect in accordance with Article 22 of the RPC. For them, the IRR contradicts the law it implements. They are puzzled why it would be complex for the Bureau of Corrections (*BUCOR*) and the Bureau of Jail Management and Penology (*BJMP*) to retroactively apply the law when the prisoners' records are complete and the distinctions between the pertinent provisions of the RPC and R.A. No. 10592 are easily identifiable. Petitioners submit that the simple standards added by the new law, which are matters of record, and the creation of the Management, Screening and Evaluation Committee (*MSEC*) should not override the constitutional guarantee of the rights to liberty and due process of law aside from the principle that penal laws beneficial to the accused are given retroactive effect.

Almost a month after, or on July 11, 2014, Atty. Rene A.V. Saguisag, Sr. filed a Petition (In Intervention).[9] He incorporates by reference the Roxas et al. petition, impleads the same respondents, and adds that nowhere from the legislative history of R.A. No. 10592 that it intends to be prospective in character. On July 22, 2014, the Court resolved to grant the leave to intervene and require the adverse parties to comment thereon.[10]

Another Petition-in-Intervention[11] was filed on October 21, 2014. This time, the Free Legal Assistance Group (*FLAG*) served as counsel for William M. Montinola, Fortunato P. Visto, and Arsenio C. Cabanilla (*Montinola et al.*), who are also inmates of the NBP. The petition argues that Section 4, Rule I of the IRR is facially void for being contrary to the equal protection clause of the 1987 Constitution; it discriminates, without any reasonable basis, against those who would have been benefited from the retroactive application of the law; and is also *ultra vires*, as it was issued beyond the authority of respondents to promulgate. In a Resolution dated November 25, 2014, We required the adverse parties to comment on the petition-in-intervention.[12]

On January 30, 2015, the Office of the Solicitor General (*OSG*) filed a Consolidated Comment[13] to the Petition of Roxas *et al.* and Petition-in-Intervention of Atty. Saguisag, Sr. More than two years later, or on July 7, 2017, it filed a Comment[14] to the Petition-in-Intervention of Montinola *et al.*

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On October 24, 2014, a Petition for *Certiorari* and Prohibition[15] was filed by Reynaldo D. Edago, Peter R. Torida, Jimmy E. Aclao, Wilfredo V. Omeres, Pascua B. Galladan, Victor M. Macoy, Jr., Edwin C. Trabuncon, Wilfredo A. Paterno, Federico Elliot, and Romeo R. Macolbas (*Edago et al.*), who are all inmates at the Maximum Security Compound of the NBP, against DOJ Secretary De Lima, DILG Secretary Roxas, BUCOR Acting Director Franklin Jesus B. Bucayu, and BJMP Chief Superintendent (Officer-in-Charge) Diony Dacanay Mamaril. The grounds of the petition are as follows:

A.

SECTION 4, RULE I OF THE IRR PROVIDING FOR A PROSPECTIVE APPLICATION OF THE PROVISIONS OF R.A. 10592 WAS ISSUED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION AND THEREBY VOID AND ILLEGAL FOR BEING CONTRARY AND ANATHEMA TO R.A. 10592.

a. R.A. 10592 does not state that its provisions shall have prospective application.

b. Section 4 of the IRR of R.A. 10592 is contrary to Article 22 of the Revised Penal Code providing that penal laws that are beneficial to the accused shall have retroactive application.

c. Section 4, Rule I of the IRR contravenes public policy and the intent of Congress when it enacted R.A. 10592.

B.

SECTION 4, RULE I OF THE IRR WAS ISSUED BY RESPONDENTS WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION BECAUSE IT IS PATENTLY UNCONSTITUTIONAL.