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Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City
http://www.dilg.gov.ph

25 JAN 2019

DILG OPINION NO. 2 S. 2019

MAYOR RICHARD C. QUEZON
Office of the Mayor
Municipality of Siquijor, Siquijor

Dear Mayor Quezon:

This has reference to your letter dated 22 March 2018 requesting for opinion on whether or not a convicted Sangguniang Bayan Member who was released on parole may reassume public office in the Sangguniang Bayan of the Municipality of Siquijor, Siquijor.

We are of the understanding that parole is merely a conditional release of a prisoner from confinement after serving the minimum penalty imposed by law, the Indeterminate Sentence Law. It is granted by the Board of Pardons and Parole (BPP) where such grant does not result in full restoration of liberty as the parolee is still in the custody of the law because he is required to report to such government officials or other parole officers appointed by BPP for a period of surveillance equivalent to the remaining portion of the maximum sentence imposed upon him or until final release and discharge by the Board.

Clearly, the grant of parole, unlike in pardon, does not obliterate the penalty meted out upon the parolee.

Under Act No. 4103, otherwise known as the "Indeterminate Sentence Law", as amended by Act No. 4225 and R.A. 4203, the provision of Sec. 6 provides as follows:

"Sec. 6. Every prisoner released from confinement on parole by virtue of this Act shall, at such times and in such manner as may be required by the conditions of his parole, as may be designated by the said Board for such purpose, report personally to such government officials or other parole officers hereafter appointed by the Board of Indeterminate Sentence for a period of surveillance equivalent to the remaining portion of the maximum sentence imposed upon him or until final release and discharge by the Board of Indeterminate Sentence as herein provided. The officials so designated shall keep such records and make such reports and perform such other duties

hereunder as may be required by said Board. The limits of residence of such paroled prisoner during his parole may be fixed and from time to time changed by the said Board in its discretion. If during the period of surveillance such paroled prisoner shall show himself to be a law-abiding citizen and shall not violate any of the laws of the Philippine Islands, the Board of Indeterminate Sentence may issue a final certificate of release in his favor, which shall entitle him to final release and discharge."

Based on the foregoing, it is the Department's submission that parole does not restore the right to hold public office.

This position, however, is without prejudice to any authoritative review/opinion from the Department of Justice (DOJ).

Thank you.

Very truly yours,

BY AUTHORITY OF THE SECRETATRY:


MARIVEL C. SACENDONCILLO, CESO III
Assistant Secretary for Local Government