



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 190-2023

TO : ALL JUDGES, CLERKS OF COURT AND ACTING CLERKS OF COURT/OFFICERS-IN-CHARGE OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : GUIDELINES IN THE SERVICE OF SENTENCES FOR THOSE WITH TWO OR MORE PENALTIES

In accordance with Article 70 of the Revised Penal Code (RPC), the following guidelines for the service of sentences should be taken into account in case of the imposition of two or more penalties on a culprit:

1. The penalties shall be served simultaneously if their nature shall so permit;¹

1.1 The following penalties may be served simultaneously:

- a. Perpetual absolute disqualification,
- b. Perpetual special disqualification,
- c. Temporary absolute disqualification,
- d. Temporary special disqualification,
- e. Suspension,
- f. *Destierro*,
- g. Public censure,
- h. Fine and bond to keep the peace,
- i. Civil interdiction, and
- j. Confiscation and payment of costs;²

1.2 The penalties listed under item 1.1 herein may be served simultaneously with imprisonment, with the sole exception of *destierro*;³

2. When the penalties consist of deprivation of liberty, these cannot be served simultaneously.⁴ Thus, in case the nature of the penalties do not allow simultaneous service, these shall be served successively following the order of their respective severity, to wit:

- a. Death,
- b. *Reclusion perpetua*,
- c. *Reclusion temporal*,
- d. *Prision mayor*,

¹ Article 70, The Revised Penal Code.

² *In The Matter Of The Petition For Habeas Corpus Of Pete C. Lagran*, G.R. No. 147270, 15 August 2001.

³ *Id.*

⁴ *Id.*

- e. *Prision correccional*,
- f. *Arresto mayor*,
- g. *Arresto menor*,
- h. *Destierro*,
- i. Perpetual absolute disqualification,
- j. Temporary absolute disqualification,
- k. Suspension from public office, the right to vote and be voted for, the right to follow profession or calling, and
- l. Public censure;⁵

3. Notwithstanding item 2 herein, the maximum duration of the convict's sentence shall not be more than three-fold the length of time corresponding to the most severe of the penalties imposed upon him (the "three-fold rule");⁶

3.1 No other penalty to which the convict may be liable shall be inflicted after the sum of those imposed equals the said maximum period;⁷

3.2 The maximum period shall not exceed forty (40) years;⁸

3.3 If the sentence is indeterminate, the basis for the application of the three-fold rule is the maximum term of the sentence;⁹

3.4 The three-fold rule applies even though the penalties were imposed for different crimes, at different times, and under separate informations;¹⁰ and,

3.5 The three-fold rule stated herein is applicable only to convicts serving continuous imprisonment for several offenses.¹¹

4. In applying the provision of Article 70 of the RPC, which these guidelines are based on, the duration of perpetual penalties (*pena perpetua*) shall be computed at thirty (30) years.¹²

For guidance and compliance.

05 May 2023


RAUL B. VILLANUEVA
 Court Administrator

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⁵ Article 70, The Revised Penal Code.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Reyes, Luis, *The Revised Penal Code, Criminal Law, Book One, Articles 1-113*, 2021 ed., p. 768, citing *People vs. Desierto*, C.A., 45 O.G. 4542.

¹⁰ *Id.*, citing *Joaquin S. Torres v. Superintendent of San Ramon Prison and Penal Farm*, 58 Phil. 847,848.

¹¹ *Id.*, see p. 768.

¹² Article 70, The Revised Penal Code.