

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

House Bill No. 726

Introduced by REP. JUDY J. SYJUCO

EXPLANATORY NOTE

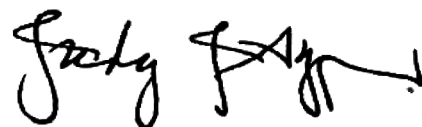
A number of cases of evasion and escape of prisoners have been reported for the past five years. The most recent is the case of Henry Tan, a suspected drug trafficker that was arrested last year for the possession of some P700 million worth of shabu in San Narciso, Zambales and was detained at the detention cell of the Philippine Drug Enforcement Agency (PDEA) in Camp Crame.

Henry Tan managed to escape swiftly by passing through the door of the PDEA Operational Support Services Office and thereafter jumped on the concrete fence. Efforts of law agents who arrested Tan have been wasted due to the negligence of the public officers in charge of his custody.

Cases of evasion of prisoners will negate and nullify the efforts of the government and its law enforcement agencies to reduce crime rate, more particularly in the case of heinous crimes.

This proposed measure seeks to increase the penalties for the crime of infidelity and negligence of public officers in the custody of prisoners. Any public officer who shall consent or connive to the escape of a prisoner in his custody or charge shall be punished by the penalty of the unserved term of the prisoner who escaped if the fugitive shall have been sentenced by final judgment to any penalty.

In view of the foregoing, immediate passage of this bill is earnestly sought.



JUDY J. SYJUCO

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AN ACT
PROVIDING FOR STIFF PENALTIES TO THE CRIME OF INFIDELITY OF
PUBLIC OFFICERS IN THE CUSTODY OF PRISONERS, AMENDING FOR
THE PURPOSE ARTICLE 223 AND 224 OF THE REVISED PENAL CODE, AS
AMENDED, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy – It is hereby declared as the policy of the State that effective enforcement of our criminal laws and its penalties are essential for the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare.

SECTION 2. Article 223 and 224 of the Revised Penal Code is hereby amended to be read as follows:

Title Seven
CRIMES COMMITTED BY PUBLIC OFFICERS

Chapter Five
INFIDELITY OF PUBLIC OFFICERS

Section One. – *Infidelity in the custody of prisoners*

ART. 223. Conniving with or consenting to evasion. – Any public officer who shall consent to the escape of a prisoner in his custody or charge, shall be punished:

1. By **THE UNSERVED TERM OF THE PRISONER WHO ESCAPE**, [*prision correccional* in its medium and maximum periods and temporary special disqualification in its maximum period to perpetual special disqualification] if the fugitive shall have been sentenced by final judgment to any penalty.

2. By *PRISION MAYOR* [*prision correccional*] in its minimum period, [and temporary special disqualification] in case the fugitive shall not have been finally convicted but only held as a detention prisoner for any crime or violation of law. [or municipal ordinance]

ART. 224. Evasion through negligence. – If the evasion of the prisoner shall have taken place through the negligence of the officer charged with the conveyance or custody of the escaping prisoner, said officer shall suffer the penalty [ies] of [arresto mayor in its maximum period to] *prision correccional* in its [minimum] MAXIMUM period and temporary special disqualification.

SECTION 3. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation. The publication shall not be later than seven (7) days after approval hereof.

Approved,