

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2189



Introduced by Honorable Antonio V. Cuenco

EXPLANATORY NOTE

This bill seeks to amend Articles 210, 211, and 212 of the Revised Penal Code, as amended, by increasing the imposable penalties for the crime of bribery.

The Constitution expressly declares that "Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives." Therefore, every public official or employee occupies the office to render service to the people and not as a means to promote personal gain or interest.

The primary hindrance for the attainment of good governance and public service is the deep-rooted problem of corruption. It involves behavior on the part of officials in the public sector wherein they improperly and unlawfully enrich themselves, by the misuse of the public power entrusted to them. Consequently, this generates negative impact because it cripples the merit system and compromises service professionalism. It also breeds an atmosphere of distrust in all levels of administration in the government.

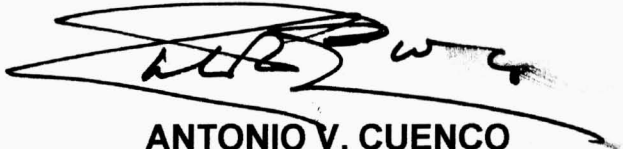
Bribery is the most pervasive form of graft and corruption practiced by public officers in the course of official duties. As defined, it is the act of offering, giving, receiving, or soliciting of any thing of value to influence action as an official or in discharge of legal or public duty.

The crime of bribery is punishable under Section Two, Chapter Two, Title Seven of the Revised Penal Code, as amended. The maximum penalty imposed for the commission of direct bribery and indirect bribery is only *prision mayor* and *prision correccional*, respectively. Likewise,

the same penalties imposed upon the officer corrupted, shall be imposed also upon the bribe-giver.

However, despite the aforementioned penalties, bribery still persists because of a pliant acquiescence between bribe givers and takers. Apparently, this is due to a weak penal system and lenient meting out of punishment to the offenders of the crime. Thus, there is a need to establish a vigorous enactment and enforcement of anti-bribery laws to eventually wipe out this form of graft and corruption in the public service. This bill, therefore, seeks to increase the present imposable penalties upon offenders for the crime of bribery by a penalty higher in degree, with the hope that it shall curtail, if not eradicate, the corrupt behavior.

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



ANTONIO V. CUENCO

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AN ACT
INCREASING THE PENALTIES FOR THE OFFENSE OF BRIBERY, AMENDING
FOR THE PURPOSE ARTICLES 210, 211, AND 212 OF THE REVISED PENAL
CODE, AS AMENDED.

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

SECTION 1. Articles 210, 211, and 212 of Act No. 3815 otherwise known as the Revised Penal Code, as amended, is hereby further amended to read as follows:

“ART. 210. *Direct Bribery* – Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift, or present received by such officer, personally or through the mediation of another, shall suffer the penalty of [*prison mayor*] *RECLUSION TEMPORAL* in its medium and minimum periods and a fine of not less than three times the value of the gift, in addition to the penalty corresponding to the crime agreed upon, if the same shall have been committed.

If the gift was accepted by the officer in consideration of an act which does not constitute a crime, and the officer executed said act, he shall suffer the same penalty provided in the



preceding paragraph; and if said act shall not have been accomplished, the officer shall suffer the penalties of [*prision correccional*] *PRISION MAYOR* in its medium period and a fine of not less than twice the value of such gift.

If the object for which the gift was received or promised was to make the public officer refrain from doing something which it was his official duty to do, he shall suffer the penalties of [*prision correccional*] *PRISION MAYOR* in its maximum period to [*prision mayor*] *RECLUSION TEMPORAL* in its minimum period and a fine of not less than three times the value of such gift.

In addition to the penalties provided in the preceding paragraph, the culprit shall suffer the penalty of special temporary disqualification.

The provisions contained in the preceding paragraphs shall be made applicable to assessors, arbitrators, appraisal and claim commissioners, experts, or any other persons performing public duties."

"ART. 211. *Indirect Bribery*. – The penalties of [*prision correccional*] *PRISION MAYOR* in its medium and maximum periods, suspension, and public censure shall be imposed upon any public officer who shall accept gifts offered to him by reason of his office."

"ART. 212. *Corruption of Public Officials*. – [The same penalties] UNLESS THE PENALTY imposed upon the officer corrupted IS *RECLUSION PERPETUA* AND/OR DEATH, THE PENALTY OF ONE DEGREE HIGHER, except those of disqualification and suspension, shall be imposed upon any



person who shall have made the offers or promises or given the gifts or presents as described in the preceding articles [.] OTHERWISE, THE SAME PENALTY OF *RECLUSION PERPETUA* AND/OR DEATH SHALL BE IMPOSED."

SECTION 2. This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in any two (2) national newspaper of general circulation.

Approved,

A handwritten signature in black ink, consisting of a stylized 'B' or 'G' followed by a horizontal line.