



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



Thirteenth Congress
First Regular Session

HOUSE BILL NO. 4361

Introduced by Honorable Antonio V. Cuenco

EXPLANATORY NOTE

The State has the authority, under its police power, to define and punish crimes and to lay down the rules of criminal procedure. States, as a part of their police power, have a large measure of discretion in creating and defining criminal offenses. (*People vs. Santiago*, 43 Phil. 120, 124)

The "Revised Penal Code" is a revision of the old Penal Code by a committee which was created by Administrative Order No. 94 of the Department of Justice, dated October 18, 1927. The committee was composed of distinguished individuals such as Anacleto Diaz, as chairman, and Quintin Paredes, Guillermo Guevarra, Alex Reyes and Mariano H. de Joya, as members. The committee did not, however, undertake the codification of all penal laws in the Philippines at that time. What the committee did was merely to revise the old Penal Code and to include in the draft the other penal laws related to it.

The Revised Penal Code, as enacted by the Philippine Legislature, was approved on December 8, 1930 and took effect on January 1, 1932. More than seventy years after, there is now a sense of urgency to review the said code to conform with existing conditions taking into consideration the latest progress in criminal science and forensic investigations and include, in

the process of recodification, other existing special penal laws and jurisprudence laid down by the Supreme Court.

Hence, the need for immediate approval of this bill.



ANTONIO V. CUENCO



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AN ACT
CREATING A CODE COMMISSION TO REVIEW AND RECODIFY
THE REVISED PENAL CODE AND OTHER RELATED SPECIAL
CRIMINAL LAWS AND APPROPRIATING FUNDS THEREFOR

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

Section 1. **Code Commission.** – There is hereby created a Code Commission, hereinafter referred to as the "Commission," which shall review and recodify the Revised Penal Code including other related special criminal or penal laws.

Sec. 2. **Composition.** – The Commission shall be composed of a Chairman and not more than ten (10) members to be appointed by the

President of the Philippines with the consent of the Commission on Appointments, as follows:

- (a) Representative, Philippine Judicial Academy, as Chairman;
- (b) Representative, Department of Justice, as Vice Chairman;
- (c) Representative, Integrated Bar of the Philippines;
- (d) Representative, University of the Philippines Law Center;
- (e) Two (2) representatives, Association of Law Deans of the Philippines; and
- (f) Five (5) reputable practicing lawyers or professors with extensive knowledge, training or expertise in criminal laws; as members.

Sec. 3. **Mandate.** – It shall be the mandate of the Commission to review and revise all existing substantive and procedural laws, including jurisprudence relative or pertinent to penal laws of the Philippines and to codify the same in conformity with the idiosyncrasies of the Filipino people.

Sec. 4. **Term of Office.** – The Commission shall complete its work not later than two (2) years from the date of approval of this Act, and shall submit to the President of the Philippines a report of the work undertaken by it together with the corresponding drafts of the code for submission to the Congress of the Philippines.



Sec. 5. **Office.** - The Commission shall have its office in Metro Manila or such other place as may be designated by the Commission, and may hold meetings at such time and place within the Philippines, as it may provide by order in writing.

Sec. 6. **Compensation.** - The Chairman shall receive a compensation equal to that of a Department Secretary while the members shall receive a compensation equal to that of official next in rank to that of a Department Secretary.

The Chairman and the members of the Commission may receive *per diem* for every meeting actually attended at such amount to be fixed by the Commission but not to exceed Two Thousand (P2,000.00) Pesos per hour.

Sec. 7. **Appointment of Officials, Employees, etc.** - The Chairman shall appoint personnel as it may deem necessary in the exercise and performance of its mandate and fix their salaries or compensation, and to employ the services, by contract or otherwise, of consultants or any local expert or technical personnel, to provide technical and necessary assistance, conduct seminar and trainings relative to codification of criminal laws, and pay reasonable emoluments for their services.

All other officers or employees, contractual or casual, shall be appointed by the Chairman. Appointment shall be made only upon merit



and fitness and shall be governed by relevant civil service rules and regulations.

Sec. 8. ***Other Bureaus, Offices or Agencies.*** – The Commission is empowered to call on any official or employee of any bureau, office, agency or instrumentality of the government to assist or otherwise extend its cooperation to the Commission in connection with the performance of its functions to carry out the provisions of this Act.

Sec. 9. ***Termination.*** – Upon completion of its work and the submission of its report not later than two (2) years from the date of approval of this Act, the Commission shall cease to exist and the services of the Chairman and the members of the same and all of the employees working under it shall terminate.

Sec. 10. ***Records and Documents.*** – All records and documents and proceedings of the Commission shall be delivered to the National Library for preservation or disposition by the latter. The other properties of the Commission shall be disposed of in accordance with existing auditing and accounting rules and regulations.

Sec. 11. ***Appropriation.*** – The sum of Five Million (P5,000,000.00) Pesos is hereby appropriated for the initial organization and operation of the Commission. Thereafter, such amount as may be necessary for its



continued operation shall be included in the annual General Appropriations Act.

Sec. 12. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspapers of general circulation.

Approved,

A handwritten signature in black ink, located in the bottom left corner of the page. The signature is stylized and appears to be a single name.