

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

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 184



Introduced by Honorable Gilbert C. Remulla

EXPLANATORY NOTE

Articles 223 and 224 of the Revised Penal Code punishes offenses committed by public officers who are tasked with the custody of prisoners. As presently crafted, Article 223 (*Conniving with or consenting to evasions*) imposes *prision correccional* in its medium and maximum periods and temporary special disqualification in its maximum period to perpetual special disqualification. Article 224 (*Evasion through negligence*) on the other hand imposes the penalties of *arresto mayor* in its maximum period to *prision correccional* in its minimum period and temporary special disqualification.

This means that the maximum imposable imprisonment which could be meted on a conniving or negligent jail guard is *prision correccional* in its maximum which translates to six (6) years behind bars. With this relatively light penalty, the offender, even if found guilty, may even apply for probation.

This "inadequacy" in the penalty imposed on jail guards has led to the "escape" of some high-profile criminals. Today, the thought of losing one's job because a prisoner "escaped" has been minisculed by the windfall which awaits the jail guard who helps "facilitate" the escape.

By the very nature of their designation, jail guards are expected to act with zeal and vigilance in keeping a watchful eye upon individuals who have been segregated from society for acts and omissions which society itself has deemed not only as reprehensible *per se* but also warranting the resulting segregation.

The only way to stem the tide of this occurrence is to make the consequences of their infidelity to their duty justifiably harsher so that fidelity to duty would not only be demanded but would already be expected. The passage of this bill should not strike fear into the hearts of the faithful jail guard who has remained true to his sworn duty but only to those who succumb to the temptation to set evil free.


GILBERT C. REMULLA

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AN ACT
IMPOSING A HEAVIER PENALTY AGAINST PUBLIC OFFICERS
CHARGED WITH THE CUSTODY OF PRISONERS, AMENDING FOR
THE PURPOSE ARTICLES 223 AND 224 OF THE REVISED PENAL
CODE.

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

SECTION 1. Article 223 of the Revised Penal Code is hereby amended to read as follows:

"ARTICLE 223. *Conniving with or consenting to evasions.* — Any public officer who shall consent to the escape of a prisoner in his custody or charge, shall be punished:

1. **BY THE SAME PENALTY IMPOSED UPON THE FUGITIVE** if the fugitive shall have been sentenced by final judgment to any penalty.

2. **BY A PENALTY LOWER THAN ONE DEGREE TO THE MAXIMUM PENALTY IMPOSABLE** upon the fugitive 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.

ARTICLE 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 LOWER THAN ONE DEGREE TO THE PENALTY IMPOSED UPON THE ESCAPEE.**"

SEC. 2. This Act shall take effect immediately upon its approval.

Approved,