

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

00000 251
H. B. No. _____

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

It is the policy of the State in the line with the principle that a public office is a public trust, that the Public Officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.

As reported, about **148** murderers and robbers remain at large after escaping from jail. The failure to recapture these escaped prisoners poses serious threats to the public and bolsters demands for the improvement of the country's penology system. Certainly, our Public Officials and employees fail to exercise utmost devotion and dedication to their duties, and worst, for personal interest or for consideration, thus, giving a general perception that they are fountain and source of undue patronage.

This bill, therefore, seeks to increase the penalties on our Public Officials and employees in charge of custody of prisoners for their negligence, connivance with or consent to jail escape.

Approval of this bill is strongly urged.


JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
PRESCRIBING STRICTER PENALTIES ON THE CRIME OF DELIVERING PRISONERS
FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS, AMENDING FOR THE
PURPOSE ARTICLES 156, 223 AND 224 OF REPUBLIC ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

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

SECTION 1. Article 156, Chapter 5, Title 3, Book Two of Republic Act 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 156. Delivering prisoners from jail. - The penalty of [arresto mayor] **PRISION MAYOR** in its **MEDIUM AND** maximum periods [to prison correctional in its minimum period] **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER IN ITS MEDIUM AND MAXIMUM PERIODS** shall be imposed upon any person who shall remove from any jail or penal establishment any person confined therein or shall help the escape of such person, by means of violence, intimidation or bribery, **WHICHEVER IS HIGHER.** If other means are used, the penalty of [arresto] **PRISION mayor IN ITS MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER THAN THAT IMPOSED TO THE PRISONER IN ITS MEDIUM PERIOD** shall be imposed **[.]WHICHEVER IS HIGHER.**

If the escape of the prisoner shall take place outside of said establishments by taking the guards by surprise, the same penalties **PRESCRIBED IN THE IMMEDIATELY PRECEDING PARAGRAPH** shall be imposed in their minimum periods."

SEC. 2. Article 223, Section One, Chapter Five, Title Seven, Book Two of Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 223. Conniving with or consenting to evasion. - Any public officer who shall consent to the escape of a **CONVICT OR DETENTION** prisoner in his custody or charge, **OR WHO SHALL RELEASE SUCH CONVICT OR DETENTION PRISONER AND ALLOW HIM TO RETURN TO PRISON OR**

DETENTION WITHOUT ANY PROPER COURT ORDER OR AUTHORIZATION
shall be punished:

- (1) By *prision [correccional]* **MAYOR** in its medium and maximum periods **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER, IN ITS MEDIUM AND MAXIMUM PERIODS, WHICHEVER IS HIGHER** and [temporary special disqualification in its maximum period to perpetual special] **PERPETUAL ABSOLUTE** disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.
- (2) By *prision [correctional]* **MAYOR** in its minimum period **OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE PRISONER, IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER** and [temporary special] **PERPETUAL ABSOLUTE** 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."

SEC. 3. Article 224, Section One, Chapter Five, "Title Seven, Book Two of Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"**ART. 224. Evasion through negligence.** - If the evasion of the **CONVICT OR DETENTION** 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 penalties of [*arresto mayor* in its maximum period to *prision correccional* in its minimum period] **PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE CONVICT OR DETENTION PRISONER IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER** and temporary [special] **ABSOLUTE** disqualification.

FOR PURPOSES OF THIS ARTICLE, THE PUBLIC OFFICER CHARGED WITH THE CUSTODY OR CONVEYANCE OF THE CONVICT OR DETENTION PRISONER IS PRIMA FACIE PRESUMED TO HAVE CONSENTED OR CONNIVED TO THE EVASION."

SEC. 4. All laws, presidential decrees, executive orders, issuances, and rules and regulations, and part thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,