

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 800

Introduced by REP. MARC DOUGLAS IV C. CAGAS

EXPLANATORY NOTE

Criminal statutes must always be attuned to the changing of the times. While it may not be gainsaid that punitive laws are designed to strike hard and fatal blows to effectively deter the commission of felonies and promote peace and order, this anecdote does not always hold water. Judicial machinery must be rightfully enforced and interpreted. The government's effort to strictly implement the rule of law, under the guise of promoting the highest interest of justice does not only entail bringing to fore lawless elements to square play and impose justice's fierce might. Justice should afford every party what is proper and right under the circumstances, taking into account the dynamism of the times. Justice must be ever-changing. Justice must be for all. Justice is not only for the oppressed, it should be accustomed to the time honored-principle that the welfare of the people is the supreme law, so should it be delivered, to guilty or innocent alike.

It is well established in both law and jurisprudence that even the worst of criminals still enjoy their constitutionally guaranteed rights. Even in cases of reasonable doubt, courts are sometimes called upon to tilt the balance in favor of the accused to afford him fair chances of correction under the guiding light of reformatory justice. Despite a clear and convincing evidence of guilt, if the penalty prescribed for the atrocity committed is unconscionably harsh, the same must be scrutinized. In this jurisdiction, our legal system truly adopts parity of rights between the victims and the offenders. Save except for a number of civil and political rights sanctioned by the penalty of civil interdiction and deprivation of liberty in certain cases, convicts, like ordinary citizen should not at all be deprived of the state's helping hand.

The crime of theft in general, has long been frowned upon and penalized in almost all customary and legal jurisdictions. Stealing, under Philippine setting has been forbidden even prior to the inception of the Revised Penal Code. It has been regarded not only as a crime against humanity; it is a crime against God. As a matter of fact, origins of this mandate could very well be traced in that miraculous event that transpired in Mt. Sinai during the Hebrew emancipation.

On the other hand, during the early 1950's up to the late 1970's, the Philippine economy depended largely on its natural resources. It was this economic dependency that prompted the Philippine Government to enact legislative measures to curb the hindrance to agricultural growth, paving way to a more or less steady escalation of sustainable development in Philippine economy. An offshoot of which is the creation of the Philippine Coconut Authority to promote the coconut production industry and the protection of all coconut trees and its by-products. To strengthen the government's advocacy, stealing of coconuts inside a plantation has been penalized and was incorporated as one of the prohibited acts under the crime of Qualified Theft under Article 310 of the Revised Penal Code.

Be that as it may, those convicted of this crime would suffer a penalty two degrees higher than that of ordinary theft, increasing the period of confinement of those convicted to 15 years. So harsh a penalty, especially so considering that there is no difference as to culpability, in regard to the number of coconuts stolen, in order to be subjected to its coverage.

Nowadays, with the abundance of coconuts and coconut plantations, there is a need for a re-study of the Qualified Theft provision, especially with the setting of extreme poverty plaguing not only the countryside but the whole nation, a stress should be given more on the need to protect those who cannot fend off hunger and deprivation. As it were, this does not mean that those guilty of this crime should be exonerated from criminal liability, conversely, they should still be meted with the penalty but the same should be commensurate, attuned to the prevailing circumstances and guided by the principle of compassionate justice.

This legislative measure therefore, is intended to amend the provisions of the Revised Penal Code on Qualified Theft, by degrading the penalties prescribed for the crime of Qualified Theft of Coconuts.

For the foregoing, the expeditious and early passage of this measure is highly solicited.


Marc Douglas IV. C. Cagas

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Quezon City, Metro Manila

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“AN ACT
AMENDING PERTINENT PROVISIONS OF ARTICLE 310 OF ACT NO.
3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE OF THE
PHILIPPINES (AN ACT REVISING THE PENAL CODE AND OTHER
PENAL LAWS) BY SUPPLANTING THEREFROM, AS AN INTEGRAL
PART THEREOF, THE SPECIFIC PROVISIONS RELATIVE TO THE
CRIME OF QUALIFIED THEFT OF COCONUTS FROM THE PREMISES
OF A PLANTATION, AND BY VIRTUE HEREOF, IS HEREBY CREATED,
SUB-ARTICLE 310-A WHICH SPECIFICALLY PENALIZES SAID
CRIME”.

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

Section 1. Article 310 of the Revised Penal Code is hereby amended to read as follows;

Art. 310 – Qualified Theft - The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding article, if committed by a **domestic servant, or with grave abuse of confidence, or if the property stolen is motor vehicle, mail matter or large cattle or, fish taken from a fishpond or fishery or if property is taken on the occasion of fire, earthquake, typhoon, volcanic eruption, or any other calamity, vehicular accident or civil disturbance.**

The act of taking/stealing of coconuts from the premises of a plantation, as it is currently being defined, included and penalized under said article as part of the crime of Qualified Theft, is hereby deleted therefrom.

Section 2. There shall be created Sub Article 310-A of the Revised Penal Code, to specifically penalize the crime of Qualified Theft of Coconuts in the premises of a plantation to read as follows;

Art. 310-A The act of stealing and or taking of coconuts in the premises of a plantation is hereby punished with the penalty of ***Arresto Mayor to its full extent***, regardless of the total value and number of coconuts stolen. The severity of the civil liability however should take into account the quantity and cost of the objects stolen;

Provided, that in case there are other products of the soil, not covered by any special law prohibiting the taking of the same, taken on the occasion of said theft of coconuts, the **minimum period** of the penalty next higher in degree should be applied, regardless of the amount or value of the other things stolen;

Provided further, that the **medium period** of the penalty prescribed in the immediately preceding paragraph should be applied, if on said occasion of theft of coconuts, the coconut tree or trees were cut down or the barks thereof destroyed without the necessary permit from the concerned agencies of the government. If apart from the cutting of the coconut barks, the perpetrators took other things described in the next preceding paragraph, the afore-mentioned penalty in its **maximum degree** shall be applied; and

Provided finally, that in no case should the prosecution of the cases for the commission of the criminal offense herein

penalized, pose as a bar for the prosecution of other special laws violated.

Section 3. If any provisions or part thereof, is invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 4. Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provision of this Act is hereby repealed, modified, or amended accordingly.

Section 5. This Act shall take effect upon its approval.

Approved,