

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2951

Introduced by Representative MARLYN PRIMICIAS-AGABAS

EXPLANATORY NOTE

The computation for the period of prescription for violations of special penal laws and municipal or city ordinances is necessary otherwise the State shall lose its right to prosecute offenders who are inimical to a peaceful and civilized society.

The proponent believes that the present law on the matter which is Act No. 3326, otherwise known as Act to Establish Periods of Prescription for Violations Penalized by Special Acts and Municipal Ordinances and to Provide When Prescription Shall Begin to Run, needs to be amended primarily to end ambiguities in the law and fine tune it in order for the State to be able to properly prosecute offenses.

It is then proposed that violations of offenses punishable by imprisonment of six years or more shall prescribe after fifteen (15) years. Furthermore, offenses punishable by death or life imprisonment shall prescribe in twenty (20) years. It is also proposed that the running of the period of prescription is tolled by the filing of either administrative or judicial proceedings against the accused since investigation for purposes of prosecution has become a function of the executive branch hence, it should now be understood as either executive or judicial in character.

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


MARLYN PRIMICIAS-AGABAS
6th District, Pangasinan

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AN ACT
AMENDING ACT NO. 3326, OTHERWISE KNOWN AS AN ACT TO
ESTABLISH PERIODS OF PRESCRIPTION FOR VIOLATIONS PENALIZED
BY SPECIAL ACTS AND MUNICIPAL ORDINANCES AND TO PROVIDE
WHEN PRESCRIPTION SHALL BEGIN TO RUN

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

SECTION 1. Section 1 of Act No. 3326, otherwise known as an Act to Establish Periods of Prescription for Violations Penalized by Special Acts and Municipal Ordinances and to Provide When Prescription Shall Begin to Run, is hereby amended to read as follows:

“SECTION 1. Violations penalized by special acts shall, unless otherwise provided in such acts, prescribe in accordance with the following rules: (a) after a year for offenses punished only by a fine or by imprisonment for not more than one month, or both; (b) after four years for those punished by imprisonment for more than one month, but less than two years; (c) after eight years for those punished by imprisonment for two years or more, but less than six years; and (d) after (twelve) **fifteen** years for any other offense punished by imprisonment for six years or more (except the crime of treason, which shall prescribe after twenty years); **and (e) after twenty years for those offenses punished by death or life imprisonment.** Violations penalized by municipal ordinances shall prescribe after two months.”

SECTION 2. Section 2 of Act No. 3326 is hereby amended to read as follows:

“SECTION 2. Prescription shall begin to run from the day of the commission of the violation of the law, and if the same be not known at the time, from the discovery thereof and the institution of judicial proceeding for its investigation and punishment.

The prescription shall be interrupted when **either administrative or judicial** proceedings are instituted against the (guilty person) **accused or by filing of the complaint for purposes of investigation**, and shall begin to run again if the proceedings are dismissed for reasons not constituting jeopardy.”

SECTION 3. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 4. *Repealing Clause.* – All laws, decrees, executive orders, presidential issuances and other administrative rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 5. *Effectivity.* – This act shall take effect immediately after its publication in two (2) newspapers of general circulation.

Approved,