

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

Fifteenth Congress
First Regular Session

House Bill No. 3655

Introduced by Rep. Daisy Avance-Fuentes

EXPLANATORY NOTE

The Constitution under Article II, Sec. 5 states that "The maintenance of peace and order, the protection of life, liberty, and property and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy." In view of this provision, particularly on the aspect of the maintenance of peace and order that this bill seeks to introduce measures to address the problem of prison riots in jails and penal colonies.

From time to time, reports of violence and mass escapes of prisoners from penal institutions or colonies as a consequence of riots are played up in the media. These occurrences lead some people to question with a sense of sarcasm, the efficiency of our penal institutions. It erodes our confidence on the ability of jail wardens in maintaining peace and order and in securing the safety of prisoners in these facilities. Prisoners are convicted criminals serving the penalty imposed on crimes that they have committed. As public enemies, they deserve to endure their sentence. The government has the duty to see to it that these criminals are incarcerated until the completion of their sentence.

As provided under Article 153 of the Revised Penal Code, tumults and other disturbances of public orders are penalized in relation to the provisions under Articles 131 and 132 which penalize the prohibition, interruption and dissolution of peaceful meetings and religious worship respectively. Prison riots, which are considered as disturbances of a public nature, are necessarily included therein. It is contended, however, that there is a necessity to put emphasis on said acts because of its constant recurrence which might eventually ripen into jail breaks, mindless violence or other fatal outcomes.

Separate penalties need to be imposed on offenders thereof and negligent jail employees must also be penalized. Hence, an amendment of Art. 153 of the Revised Penal Code is hereby proposed.

In view of the foregoing, support of this bill is earnestly requested.

DAISY AVANCE
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AN ACT

AMENDING ARTICLE 153 OF THE REVISED PENAL CODE IN ORDER TO INCREASE THE PENALTY FOR PRISONERS OR JAIL EMPLOYEES WHO SHALL CAUSE PRISON RIOTS AND FOR OTHER PURPOSES

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

SECTION 1. Amendment. Art. 153 of the Revised Penal Code is hereby amended to read as follows:

Art. 153. Tumults and other disturbances of public orders-Tumultuous disturbance or interruption liable to cause disturbance. – The penalty of *arresto mayor* in its medium period to *prisión correccional* in its minimum period and a fine not exceeding P1,000.00 pesos shall be imposed upon any person who shall cause any serious disturbance in a public place, office, or establishment, or shall interrupt or disturb public performance, functions or gatherings, or peaceful meetings, if the act is not included in the provisions of Articles 131 and 132.

IN CASE SAID DISTURBANCE IS CAUSED OR PARTICIPATED BY A PRISONER IN A PENAL INSTITUTION OR COLONY, HE SHALL SUFFER THE PENALTY OF PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD AND A FINE NOT EXCEEDING TWENTY THOUSAND PESOS (P20,000.00). IF SUCH RIOT CAUSES THE ESCAPE OF A PRISONER OR PRISONERS THEREIN OR DEATH, PHYSICAL INJURIES OR ILLEGAL DETENTION OCCURRED, THE PENALTY OF PRISION MAYOR SHALL BE IMPOSED.

ANY JAIL EMPLOYEE WHO CAUSES OR PATICIPATES IN THE OCCURRENCE OF SAID RIOT, DISTURBANCE OR INTERRUPTION SHALL SUFFER THE PENALTY OF PRISION MAYOR INCLUDING THE ACCESSORY PENALTY OF PERPETUAL DISQUALIFICATION FOR PUBLIC OFFICE.

ANY JAIL EMPLOYEE WHO IS PROVEN TO BE NEGLIGENT IN PREVENTING PRISON RIOTS SHALL BE DISMISSED FROM THE SERVICE.

The penalty next higher in degree shall be imposed upon persons causing any disturbance or interruption of a tumultuous character.

The disturbance or interruption shall be imposed upon any person who in any meeting, association or public place shall make any outcry tending to invite rebellion or sedition or in such place shall display placards or emblems which provoke a disturbance of the public order.

The penalty of *arresto menor* and a fine not to exceed P200 shall be imposed upon those persons who in violation of the provisions contained in the last clause of Article 85, shall bury with pomp the body of a person who has been legally executed.

Section 2. Repealing Clause. All laws, decrees, rules and regulations inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

Section 3. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,