

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 902

Submitted by the Committee on Revision of Laws on 09 MAY 2011

Re : House Bill No. 4574

Recommending its approval in substitution of House Bill No. 800

Sponsors : Representatives Marlyn L. Primicias-Agabas and Marc Douglas
IV C. Cagas

Mr. Speaker:

The Committee on Revision of Laws to which was referred House Bill No. 800,
introduced by Rep. Marc Douglas IV C. Cagas, entitled:

"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."

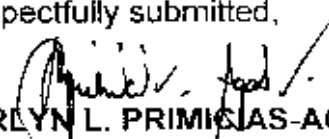
has considered the same and recommends that the attached House Bill No.

- 4574 entitled:

"AN ACT RATIONALIZING THE PENALTIES FOR THE THEFT OF COCONUTS, AMENDING FOR THE PURPOSE ARTICLE 310 OF REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE "REVISED PENAL CODE."

be approved in substitution of House Bill No. 800, with Reps. Marc Douglas IV C. Cagas and Marlyn L. Primicias-Agabas as authors thereof.

Respectfully submitted,


MARLYN L. PRIMICIAS-AGABAS
Chairperson

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

4574

HOUSE BILL NO. _____
In substitution of House Bill No. 800

Introduced by Representatives Marc Douglas IV C. Cagas
and Marlyn L. Primicias-Agabas

AN ACT
RATIONALIZING THE PENALTIES FOR THE THEFT OF COCONUTS, AMENDING FOR
THE PURPOSE ARTICLE 310 OF REPUBLIC ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE "REVISED PENAL CODE"

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

1 Section 1. Article 310 of Republic Act No. 3815, as amended, is hereby further
2 amended to read as follows:

3 Art. 310. Qualified theft. - The crime of theft shall be punished
4 by the penalties next higher by two degrees than those respectively
5 specified in the next preceding articles, if committed by a domestic
6 servant, or with grave abuse of confidence, or if the property stolen is
7 motor vehicle, mail matter or large cattle or consists of [**coconuts**
8 **taken from the premises of a plantation,**] fish taken from a
9 fishpond or fishery, or if the property is taken on the occasion of fire,
10 earthquake, typhoon, volcanic eruption, or any other calamity,
11 vehicular accident or civil disturbance.

12 IF THE PROPERTY STOLEN CONSISTS OF COCONUTS
13 TAKEN FROM THE PREMISES OF A PLANTATION THE
14 FOLLOWING PENALTIES SHALL BE IMPOSED:

- 1 A) ARRESTO MAYOR IN ITS MAXIMUM PERIOD,
2 REGARDLESS OF THE TOTAL NUMBER AND VALUE OF THE
3 COCONUT STOLEBN;
4 B) PRISION CORRECCIONAL IN ITS MINIMUM PERIOD IF
5 THERE ARE OTHER PRODUCTS OF THE SOIL TAKEN ASIDE
6 FROM COCONUTS;
7 C) PRISION CORRECCIONAL IN ITS MEDIUM PERIOD IF ON
8 THE OCCASION OF TAKING THE COCONUTS THERE ARE
9 TREES FELLED OR THE BARKS THEREOF DESTROYED; AND
10 D) PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD IF ON
11 THE OCCASION OF TAKING THE COCONUTS THERE ARE
12 OTHER PRODUCTS OF THE SOIL STOLEN AND TREES ARE
13 FELLED OR BARKS THEREOF DESTROYED."

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

16 Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

COMMITTEE ON REVISION OF LAWS

MINUTES OF THE MEETING OF THE COMMITTEE ON REVISION OF LAWS HELD ON 16 MARCH 2011, WEDNESDAY, 9:30 A.M. AT THE CONFERENCE ROOM 9 & 10 MITRA BUILDING, HOUSE OF REPRESENTATIVES

I CALL TO ORDER

The Honorable Mercedes K. Alvarez, Senior Vice-Chairperson of the Committee on Revision of Laws called the meeting to order at 9:30 A.M.

II ROLL CALL

On motion duly seconded, the calling of the roll was dispensed with.

III READING/APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

On motion duly seconded, the reading of the minutes of the previous meeting of the Committee was dispensed with and subsequently approved.

IV. APPROVAL OF THE DRAFT BILLS CONSIDERED BY CORRESPONDING TECHNICAL WORKING GROUPS (TWG).

On motion duly seconded, the following bills were approved subject to style:

- Revised Committee Report on HB No. 800, Rationalizing the penalties for the theft of coconuts in the premises of plantation,
- Technical Working Group Report in substitution of House Bill Nos. 487, 1496, 2511, 2894, 1027, and 3423: Amending the Juvenile Justice Act; and
- Technical Working Group Report in substitution of House Bill Nos. 700, 2019, 3344, 2020, 3345, 2433, and 3346: Creating the Code Commission of the Philippines.

The body approved the motion for the co-authorship of the following members on measures creating the Philippine Code Commission, to wit, Representatives Mercedes K. Alvarez, Yevgeny Vincente Emano, Carol Jane B. Lopez, Cesar Sarmiento, and Mylene Garcia-Albano.

Thereon, the Presiding Officer instructed the Committee Secretariat to prepare the corresponding Committee Reports.

V INITIAL CONSIDERATION OF HB NOS. 948 (by Reps. Reynaldo V. Umali, Jorge B. Banal and Tomas V. Apacible), 1647 (by Rufus Rodriguez, Maximo B. Rodriguez, Jr. and Antonio C. Alvarez), 2553 (by Rep. Joseph Victor G. Ejercito) and 2773 (by Rep. Emmanuel D. Pacquiao) LIMITING REAPPOINTMENT OF PRESIDENTIAL NOMINEES BY-PASSED BY THE COMMISSION ON APPOINTMENTS.

At the outset, Rep Rufus Rodriguez cited Article 7, Section 16 of the Constitution mandating the Commission on Appointments (CA) either to confirm or reject presidential appointments to certain cabinet, foreign diplomat and military positions. According to him, HB 1647 which he authored proposes to further clarify the processes of the said appointments. He claims that Congress is usually reluctant to reject presidential nominees resulting to bypass or

rejection. This hesitancy to reject outright the nominees of the President had caused problems more than anyone could imagine. However, despite several bypasses, the president merely reappoints the same nominee without limitations. This practice of simply reappointing nominees subverts the principle of confirmation mandated to the Commission on Appointments (CA).

He surmised that this act is affront to the Constitutional principle of check and balance. He elucidated that HB 1647 further addresses the practice of some nominees to delay the process by simply delaying the submission of requirements.

On the concern raised by Reps. Batocabe and Sarmiento, Rep. Rodriguez responded that his bill does not put restrictions to the absolute power of the president to appoint. He surmised that, it merely puts limit to the practice of reappointing nominees several times. He said that if a nominee had been by-passed by CA twice within a certain period, the two strike-rules shall apply. Hence, the act of CA to set aside the nomination twice would already be considered as a rejection. In such a situation, the presidents' action after rejection or by-pass would therefore be classified as re-appointment outside of constitutional realm providing absolute power of the president to appoint.

Rep. Sarmiento reminded the Body that the Constitution never considered a by-pass as rejection. It only mentions of rejection. So if a nominee had been by-passed by the CA, technically or legitimately his term as public official still holds. He added, however, that since the matter is a legitimate concern, he is certain the Supreme Court would find a way to interpret the said provision to the favor of the common good.

As a follow-up, Rep. Batocabe added that the measures at hand could still be harmonized and the power of the President to appoint is absolute and could only be restricted by the CA and not by passage of a special law because, otherwise, it would be susceptible to constitutional attack.

Rep. Ejercito, author of HB 2553 stated that his proposal reinforces the powers of the CA. Moreover, it curbs the practice of appointing officials in an acting capacity in order to eschew the process of confirmation in the CA.

Mr. Ronald Geron, Assistant Executive Secretary of the Office of the President disclosed that the President while serving as Senator in the last Congress sponsored Senate Bill 1719 with similar import as HB 2553 of Rep. Ejercito. However, he also put forward a thought that CA had a mandate to set its own rules and procedure to ensure the check and balance between the executive and the legislature are in place.

Further, Mr. Geron deems it proper for the Committee to demarcate when by-pass should be considered. He reminded the Body that Congress adjourns three times during one full term of the House of Representatives. He quantified the three regular sessions culminates during cine-die. Hence, must be considered as vital contention in determining when bypasses or rejection would be assumed. The bill according to him should be able to resolve the parameter in which a by-pass is technically in effect. He assured the Body that the executive branch would always respect and abide by the wisdom of the legislative branch.

Rep. Fua adverted to Article VI Section 18 of the Constitution stating that the Commission on Appointments shall act on all the appointments within 30 session days of Congress from their submission. If CA failed to act within the stipulated time (30 session days), the appointment is therefore estopped preventing CA to further process the nomination and the President from issuing reappointments. He contended that in such occurrence, the appointment could already be considered automatically rejected.

On that note, Mr. Geron explained that CA is not really compelled to approve or reject appointments within 30 session days upon receipt but merely prescribed to consider such submission on or before the stipulation expires. Otherwise, CA would not be able to consider substantial number of submissions. Considering the number of applicants being processed for confirmation, the process by which CA conducts confirmation involves investigation, research

and collection of testimonies and evidences and other measures to effectively carry out their mandate.

Rep Umali explained that his bill does not limit the power of the president to appoint but provides the parameter to rationalize the rules and procedure of CA. He agreed with Rep. Batocabe that it is possible that CA could be persuaded to amend its rules of procedure in accordance with the suggestions or provisions inculcated in the measures being considered by the Committee. Such action according to him would save time, effort, and money.

Rep. Sarmiento suggested that there is a need for the committee to clarify the distinction among the terms by-pass, rejection, disapproval, appointments or even re-appointments. He explained unless clearly defined the terms mentioned could be interchangeably interpreted that could be subjected to several interpretations and court procedures. Likewise, he is also of the opinion that the Commission on Appointments may be persuaded to amend its rules of procedure to properly address concerns of the bills at hand.

The Committee approved the requests of Reps. Mercedes K. Alvarez, Al Francis C. Bichara, Yevgeny Emano, Orlando A. Fua, Ma. Theresa B. Bonoan-David, and Carol Jane Lopez to be co-authors of the measures limiting reappointment of presidential nominees by-passed by the Commission on Appointments

On motion duly seconded, a technical working group to harmonize the above-stated bills was created with Rep. Joseph Victor E. Ejercito as Chairman.

VI. INITIAL CONSIDERATION OF HB NO. 131 (by Reps. Al Francis C. Bichara, Christopher S. Co, Rodel M. Batocabe and Alfredo Garbin Jr.) AND HB NO. 241 (by Reps. Pedro P. Romualdo and Amelita C. Villarosa) ESTABLISHING INFORMATION CARD SYSTEM AND FILIPINO IDENTIFICATION CARDS.

Rep Bichara explained that his proposal HB No. 131 seeks to institutionalize a national identification (ID) card on a voluntary basis. He informed the Body that the national ID system had been proposed in previous Congresses but failed to see the light because of the perceived danger it imposes to human rights. Human rights advocates were adamant because there is a possibility that the state will use the data available to invade privacy and use such for harassment. He admitted that his proposal is a matter of strategy. He is certain that once the law had been promulgated, Filipinos would realize the benefits of having a national ID.

He added that to make it more accurate it would now be called Voluntary Information Personal Card (VIP Card). This is aimed to facilitate governmental transactions, cut red tape, and increase productivity. He expounded that several personal information such as blood type, tax identification number, or even contact numbers could be incorporated to the ID in order to maximize its usefulness.

Rep. Romualdo author of HB No. 241 said that his proposal addresses the valid concerns of common people. He said that all Filipinos 18 years old and above shall be issued a Filipino Identification Card that can be used in transactions that needs identification of the holder. He added that the ID would be issued free of charge, tamper proof and will be updated every five years.

Further, he said that as of now financial institutions, schools even government institutions do not honor ID's issued by local government units, postal services or even within government bureaucracy. This is because allot of these issuances could easily be tampered with. This proscription affects the poor severely and had to employ extraordinary means in order to comply with the requirements of identification. Thereon he suggested that the National Statistics Office, being the repository of all our civil documents must be tasked to implement the national ID system.

Moreover, Rep. Romualdo explained that there is no need for a penal provision on his bill even it requires compulsory compliance for every Filipinos 18 years old and above. The penalty would be incorporated to the implementation of the Act as the people who failed to

secure a national ID would have a hard time in transacting with government agencies and financial institutions.

Ms. Jessica Gambol-Schuck and Mr. Adonis Sulit Legal Officers of the Commission on Human Rights and the Department of Justice, respectively, indorsed the proposed measures and volunteered to render their services in the harmonization of both bills.

Thereon, the Committee approved the motion of Rep. Rodriguez to create a technical working group to harmonize the provisions of HB Nos. 131 and 241 with Rep. Bichara as its Chairman and all the authors as members. The Chair invited all the resource persons to join the TWG.

VII. INITIAL CONSIDERATION OF HB NOS. 3058 (by Rep. Ma. Theresa B. Bonoan-David), 3391 (By Rep. Carol Jane Lopez, Cesar V. Sarmiento, Salvador H. Escudero III, et al) AMENDING THE SOLO PARENTS WELFARE ACT

Rep. Bonoan-David, author of HB 3391 enlightened the Committee that her proposal seeks to expand the benefits provided by of RA 8972 otherwise known as the Solo Parents Welfare Act of 2000. She said that additional benefits such as tax exemptions for business providing basic goods and services would certainly alleviate the plight of solo parents.

Rep. Lopez, author of HB 3058 said that she finds it necessary to provide penalties for businesspersons and business establishments who refuse to comply with the provisions of RA 8972.

Meanwhile, Rep. Bonoan-David agreed to do away with her proposal for additional deduction of 50,000 pesos as solo parents. The National Internal Revenue Code already categorized solo parents as heads of the family. Such classification according to the Presiding Officer includes personal exemption of 25,000 pesos and additional 8,000 pesos for each child of a solo parent. She conveyed that the exemption is sufficient to help the solo parent.

On motion duly seconded, the Committee approved the consolidation of House Bill Nos. 3058 and 3391 with Congressman Emano as a co-author.

Thereon the Presiding Officer instructed the Committee Secretariat to prepare the necessary committee report.

VIII. INITIAL CONSIDERATION OF HB NO. 4073 (by Rep. Mylene J. Garcia-Albano) DECLARING WALING-WALING AS THE NATIONAL FLOWER OF THE PHILIPPINES

Rep. Garcia -Albano, the author of HB No. 4073 explained that the proposal seeks to replace sampaguita as the national flower for the following reasons:

1. Sampaguita is not endemic to the Philippines and in fact also the national flower of Indonesia;
2. Waling-waling is recognized the world over as the queen of orchids and endemic in the Philippines;
3. Waling-waling truly signifies the traits of Filipinos being world-class in appearance and resilient; and
4. Waling-waling had been a subject of hybrid development that evolved into many different species and a source of national pride.

The presiding officer informed the body that the National Historical Institute (NHI) opposes HB 4073. According to NHI, the declaration of sampaguita as national flower had made its mark culturally and traditionally overtime. NHI suggested that the National Museum be

likewise consulted because the said agency has the jurisdiction on matters of national significance such as declaration of national symbols.

Rep. Garcia-Albano agreed to the suggestion of the Presiding Officer, Rep. Alvarez to explore the possibility of declaring both the sampaguita and waling-waling as national flowers of the Philippines similar to that of Indonesia, which had declared three species of flowers as their national flowers.

In deference to the suggestions made by the NHI and the Presiding Officer, the Body deferred consideration of HB 4073.

IX INITIAL CONSIDERATION OF THE FOLLOWING NATIONAL HOLIDAY BILLS:

HB No. 355 DECLARING THE CELEBRATION OF NATIONAL CHILDREN'S DAY IN THE COUNTRY ON THE SECOND SUNDAY OF OCTOBER OF EVERY YEAR (by Rep. Susan A. Yap, Josephine Veronique R. Lacson-Noel and Eleanor C. Bulut-Begtang)

The Body agreed to the suggestion of Mr. Tristan Flores, Representative of the Council for Welfare of Children to declare the National Children's Month every October of each year instead of just focusing the celebration only every second day of October. Mr. Flores contended the whole month celebration is parallel to the United Nation Children's Month festivity.

On motion, duly seconded HB No. 355 was approved subject to style.

The Committee Secretariat was instructed by the Presiding Officer to prepare the necessary Committee Report

X INITIAL CONSIDERATION AND APPROVAL OF THE FOLLOWING HOLIDAY BILLS:

Representative Emano accepted the suggestion of Rep. Romualdo to change the word "Araw" into "Adlaw" in all his local bills declaring nonworking holidays in various municipalities of the Province of Misamis Oriental

On motion duly seconded the following bills declaring holidays in various localities were approved subject to style:

- a) **HB No. 1144 DECLARING NOVEMBER 22 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF SULTAN KUDARAT (by Rep. Raden C. Sakaluran)**
- b) **HB No. 1908 DECLARING JULY 29 OF EACH YEAR AS "ARAW NG VILLANUEVA" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)**
- c) **HB No. 1909 DECLARING SEPTEMBER 1 OF EACH YEAR A "ARAW NG JASAAN" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)**
- d) **HB No. 1910 DECLARING JULY 22 OF EACH YEAR AS "ARAW NG CLAVERIA" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)**
- e) **HB No. 1912 DECLARING JULY 12 OF EACH YEAR "ARAW NG LIBERTAD" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO**

COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)

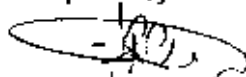
- f) **HB No. 1916** DECLARING AUGUST 18 OF EACH YEAR "ARAW NG ALUBIJID" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)
- g) **HB No. 2436** DECLARING AUGUST 15 AS "ARAW NG BULACAN" AND A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF BULACAN IN COMMEMORATION OF ITS FOUNDATION ANNIVERSARY (by Rep. Joseito Andrew R. Mendoza)
- h) **HB No. 2335** DECLARING EVERY FOURTH DAY OF NOVEMBER AS A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF QUEZON (by Rep. Wilfrido M. Enverga)
- i) **HB No. 2617** DECLARING SEPTEMBER 7 OF EVERY YEAR AS A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF CAVITE, PROVINCE OF CAVITE TO COMMEMORATE THE FOUNDATION ANNIVERSARY OF THE CITY OF CAVITE (Rep. Joseph Emilio A. Abaya)
- j) **HB No. 2912** DECLARING OCTOBER 16 OF EVERY YEAR AS CALBAYOG CITY CHARTER DAY AND A SPECIAL NONWORKING HOLIDAY IN THE CITY (by Rep. Mel Senen S. Sarmiento)

XI. ADJOURNMENT

There being no other matters to be discussed the meeting was adjourned at 1.30 P M

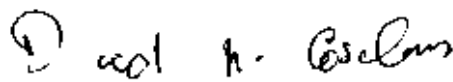
I hereby certify to the correctness of the foregoing

Prepared by



ROMUALDO STA. CLARA
SLSO II

Noted by



DAVID CLARENCE M. COSALAN
Committee Secretary

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.

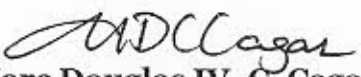
On the other hand, during the early 1950's up to the late 1970's, the Philippine economy depended largely on its natural resources. It was this economic dependency that prompted the Philippine Government to enact legislative measures to curb the hindrance to agricultural growth, paving way to a more 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

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 800

Introduced by REP. MARC DOUGLAS IV C. CAGAS

“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,

FACT SHEET

HOUSE BILL NO. 800

(As Approved by Committee on Revision of Laws on March 16, 2011)

AN ACT AMENDING ARTICLE 310 OF THE REVISED PENAL CODE OF THE PHILIPPINES BY SUPPLANTING THE SPECIFIC PROVISIONS RELATIVE TO THE CRIME OF QUALIFIED THEFT OF COCONUTS FROM THE PREMISES OF A PLANTATION, AND BY VIRTUE THEREOF, IS HEREBY CREATED SUB-ARTICLE 310-A WHICH SPECIFICALLY PENALIZES SAID CRIME

Introduced by : **REPS. MARC DOUGLAS IV C. CAGAS AND MARLYN L. PRIMICIAS-AGABAS**

Committee Referral : **REVISION OF LAWS**
Committee Chairperson : **HON. MARLYN L. PRIMICIAS-AGABAS**

OBJECTIVE/S:

- To downgrade the penalty being imposed by Article 310 of the Revised Penal Code (RPC) on the theft of coconuts from the premises of a plantation thereby imposing penalties commensurate to the offenses committed.

KEY PROVISIONS:

Imposes penalties of theft of coconut from the premises of a plantation in the following manner:

- Provides that stealing of coconuts in the premises of plantation is punishable with the penalty of *Arresto Mayor in its maximum period* regardless of the value and number of coconuts stolen;
- Provides that in case there are other products of the soil taken aside from coconuts the penalty shall be *prision correccional in its minimum period*;
- Mandates that *prision correccional in its medium period* should be applied if on said occasion of theft of coconuts there are trees felled or the barks thereof were destroyed; and
- Mandates that *Prision Correccional in its maximum period* should be applied if on taking the coconuts there are other products of the soil stolen and trees are felled or bark thereof destroyed.