

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL (NO. 4888)

Introduced by Representative Linabelle Ruth R. Villarica
4th District, Bulacan

EXPLANATORY NOTE

Article 39 of the Revised Penal Code provides that if a convict has no property to pay the imposed pecuniary liability of a fine, he shall be made to suffer subsidiary imprisonment at the rate of eight pesos (P8.00) per day.

1930 was the year of effectivity of the Revised Penal Code. The last amendment of Article 39 was in 1969. Without a doubt, the rate of P8.00 per day is no longer attuned to the times. Needless to state, the rate is no longer realistic.

This bill seeks to adjust the rate to the prevailing minimum wage at the time of the finality of the judgment of conviction of the accused. This way, the number of days of subsidiary imprisonment shall be lessened and allow the convict to return to the society. However, since the minimum wage rate is not constant, this bill proposes that the rate for subsidiary imprisonment be made equivalent to the highest minimum wage rate prevailing in the country at the time of finality of conviction.

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



REP. LINABELLE RUTH R. VILLARICA

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**AN ACT ADJUSTING THE RATE OF SUBSIDIARY IMPRISONMENT, AMENDING
FOR THIS PURPOSE SECTION 39 OF ACT NO. 3815 OTHERWISE KNOWN AS
THE REVISED PENAL CODE OF THE PHILIPPINES, AS AMENDED**

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

SECTION 1. Section 39 of Act No. 3815, as amended, is hereby amended as follows:

Section 39. *Subsidiary Penalty.* – If the convict has no property with which to meet the fine imposed in paragraph 3 of the next preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for each [eight pesos] **AMOUNT EQUIVALENT TO THE HIGHEST MINIMUM WAGE RATE PREVAILING IN THE PHILIPPINES AT THE TIME OF THE FINALITY OF THE JUDGMENT OF CONVICTION,** subject to the following rules:

1. If the principal penalty imposed be prison correccional or arresto and fine, he shall remain under confinement until his fine referred to in the preceding paragraph is satisfied, but his subsidiary imprisonment shall not exceed one-third of the term of the sentence, and in no case shall it continue for more than one year, and no fraction or part of a day shall be counted against the prisoner.

2. When the principal penalty imposed be only a fine, the subsidiary imprisonment shall not exceed six months, if the culprit shall have been prosecuted for a grave or less grave felony, and shall not exceed fifteen days, if for a light felony.
3. When the principal imposed is higher than prision correccional, no subsidiary imprisonment shall be imposed upon the culprit.
4. If the principal penalty imposed is not to be executed by confinement in a penal institution, but such penalty is of fixed duration, the convict, during the period of time established in the preceding rules, shall continue to suffer the same deprivations as those of which the principal penalty consists.
5. The subsidiary personal liability which the convict may have suffered by reason of his insolvency shall not relieve him, from the fine in case his financial circumstances should improve. (As amended by RA 5465, April 21, 1969).

SECTION 2. *Separability Clause.* If any provision of this Act, or any part thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

SECTION 3. *Repealing Clause.* All laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances, and enactments or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 4. *Effectivity.* This Act shall take effect after fifteen (15) days from its complete publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,