

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5786



Introduced by: Congressman Lord Allan Jay Q. Velasco

EXPLANATORY NOTE

The Revised Penal Code (RPC), also known as Act 3815, had been enacted way back in December 8, 1930. While the RPC governed our penal laws for more than eight decades the amounts of monetary fines and other values of properties involved in crimes used in scaling the grade of penalties remain unchanged, this, despite the devaluation and inflation which our currency has undergone thru more than eight decades.

In order to uphold the full force and teeth of our penal laws the punishment for offenses/crimes including the fine, imprisonment and civil disqualification components must be up to date. With regard to the fine component and other values incorporated therein most of the amounts are still based on 1930 prices, the year the law was enacted. The massive inflation and devaluation our currency has gone through renders some of the RPC's provision outmoded. It is in this light that an adjustment of the fines and other values of properties used as basis of the severity of punishment through an amendment is highly in order.

The outdated monetary values incorporated in the RPC are vividly exhibited in Art. 321 of said law wherein the value of properties used as basis of corresponding penalties are yet to be amended.

The present bill humbly suggests new amounts, subject to the committee's discretion, replacing the old ones using a formula utilizing the available data from the National Statistics Coordination Board relating to Consumer Price Indexes.

In adjusting the values/fines accurately the inflation rate computed from 1930 up to the present must be computed. However, there is no data available for the CPI (Consumer Price Index) earlier than 1955 in the Philippines and no data available for the CPI from 1986 to 1988. Moreover, there had been a total of 8 rebasing of base years for the computation of inflation rates (the purpose of rebasing is to make relevant or update the items included in the basket of goods).

Given these limitations, the year 1955 is used as the base year for the computation up to 2011 and disregarding the inflation rate in the years 1986 to 1988 making the derived inflation rate a conservative one. Using the derived inflation rate of 8, 012 % we can now compute the adjusted value of fines after factoring in the change in prices in the Philippines, more precisely the effect of inflation rate.

The following amended version reflects the adjusted values for Art 321. rounded off to the nearest thousand:

“Art. 321. *Other forms of arson.* — When the arson consists in the burning of other property and under the circumstances given hereunder, the offender shall be punishable:

1. By reclusion temporal or reclusion perpetua:

(a) if the offender shall set fire to any building, farmhouse, warehouse, hut, shelter, or vessel in port, knowing it to be occupied at the time by one or more persons;

(b) If the building burned is a public building and *value of the damage caused exceeds 480,000 pesos;*

(c) If the building burned is a public building and the purpose is to destroy evidence kept therein to be used in instituting prosecution for the punishment of violators of the law, irrespective of the amount of the damage;

(d) If the building burned is a public building and the purpose is to destroy evidence kept therein to be used in legislative, judicial or administrative proceedings, irrespective of the amount of the damage; Provided, however, That if the evidence destroyed is to be used against the defendant for the prosecution of any crime punishable under existing laws, the penalty shall be reclusion perpetua;

(e) If the arson shall have been committed with the intention of collecting under an insurance policy against loss or damage by fire.

2. By reclusion temporal:

(a) If an inhabited house or any other building in which people are accustomed to meet is set on fire, and the culprit did not know that such house or building was occupied at the time, or if he shall set fire to a moving freight train or

motor vehicle, and the *value of the damage caused exceeds 480,000 pesos*;

(b) If the *value of the damage caused in paragraph (b) of the preceding subdivision does not exceed 480,000 pesos*;

(c) If a farm, sugar mill, cane mill, mill central, bamboo groves or any similar plantation is set on fire and *the damage caused exceeds 480,000 pesos*; and

(d) If grain fields, pasture lands, or forests, or plantings are set on fire, and *the damage caused exceeds 480,000 pesos*.

3. By prision mayor:

(a) If the value of the damage caused in the case mentioned in paragraphs (a), (c), and (d) in the next preceding subdivision *does not exceed 480,000 pesos*;

(b) If a building not used as a dwelling or place of assembly, located in a populated place, is set on fire, and *the damage caused exceeds 480,000 pesos*;

4. By prision correccional in its maximum period to prision mayor in its medium period:

(a) If a building used as dwelling located in an uninhabited place is set on fire and *the damage caused exceeds 80,000 pesos*;

(b) If the value or the damage caused in the case mentioned in paragraphs (c) and (d) of subdivision 2 of this article *does not exceed 16,000 pesos*.

5. By prision correccional in its medium period to prision mayor in its minimum period, *when the damage caused is over 16,000 pesos but does not exceed 80,000 pesos, and the property referred to in paragraph (a) of the preceding subdivision is set on fire; but when the value of such property does not exceed 16,000 pesos*, the penalty next lower in degree than that prescribed in this subdivision shall be imposed.

6. The penalty of prision correccional in its medium and maximum periods, if the damage caused in the case

mentioned in paragraph (b) of subdivision 3 of this article *does not exceed 480,000 pesos but is over 16,000 pesos.*

7. The penalty of prision correccional in its minimum and medium periods, if the damage caused in the case mentioned paragraph (b) subdivision 3 of this article *does not exceed 16,000 pesos.*

8. The penalty of arresto mayor and a fine ranging from fifty to one hundred per centum if the damage caused shall be imposed, when the property burned consists of grain fields, pasture lands, forests, or plantations when the *value of such property does not exceed 16,000 pesos."*

This moment is certainly the best and opportune time to amend the above mentioned article of our antiquated RPC.

Immediate passage of this bill is earnestly sought.



LORD ALLAN JAY Q. VELASCO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session
House Bill No. **5766**

Introduced by Congressman Lord Allan Jay Q. Velasco

**AN ACT AMMENDING ARTICLE 321 OF 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 as assembled:*

SECTION 1. Article 321 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

“Art. 321. *Other forms of arson.* — When the arson consists in the burning of other property and under the circumstances given hereunder, the offender shall be punishable:

1. By reclusion temporal or reclusion perpetua:

(a) if the offender shall set fire to any building, farmhouse, warehouse, hut, shelter, or vessel in port, knowing it to be occupied at the time by one or more persons;

(b) If the building burned is a public building and *value of the damage caused exceeds 480,000 pesos;*

(c) If the building burned is a public building and the purpose is to destroy evidence kept therein to be used in instituting prosecution for the punishment of violators of the law, irrespective of the amount of the damage;

(d) If the building burned is a public building and the purpose is to destroy evidence kept therein to be used in legislative, judicial or administrative proceedings, irrespective of the amount of the damage; Provided, however, That if the evidence destroyed is to be used against

the defendant for the prosecution of any crime punishable under existing laws, the penalty shall be reclusion perpetua;

(e) If the arson shall have been committed with the intention of collecting under an insurance policy against loss or damage by fire.

2. By reclusion temporal:

(a) If an inhabited house or any other building in which people are accustomed to meet is set on fire, and the culprit did not know that such house or building was occupied at the time, or if he shall set fire to a moving freight train or motor vehicle, and the *value of the damage caused exceeds 480,000 pesos*;

(b) If the *value of the damage caused in paragraph (b) of the preceding subdivision does not exceed 480,000 pesos*;

(c) If a farm, sugar mill, cane mill, mill central, bamboo groves or any similar plantation is set on fire and *the damage caused exceeds 480,000 pesos*; and

(d) If grain fields, pasture lands, or forests, or plantings are set on fire, and *the damage caused exceeds 480,000 pesos*.

3. By prision mayor:

(a) If the value of the damage caused in the case mentioned in paragraphs (a), (c), and (d) in the next preceding subdivision *does not exceed 480,000 pesos*;

(b) If a building not used as a dwelling or place of assembly, located in a populated place, is set on fire, and *the damage caused exceeds 480,000 pesos*;

4. By prision correccional in its maximum period to prision mayor in its medium period:

(a) If a building used as dwelling located in an uninhabited place is set on fire and *the damage caused exceeds 80,000 pesos*;

(b) If the value or the damage caused in the case mentioned in paragraphs (c) and (d) of subdivision 2 of this article *does not exceed 16,000 pesos*.

5. By prision correccional in its medium period to prision mayor in its minimum period, *when the damage caused is over 16,000 pesos but does not exceed 80,000 pesos, and the property referred to in paragraph (a) of the preceding subdivision is set on fire; but when the value of such property does not exceed 16,000 pesos*, the penalty next lower in degree than that prescribed in this subdivision shall be imposed.

6. The penalty of prision correccional in its medium and maximum periods, if the damage caused in the case mentioned in paragraph (b) of subdivision 3 of this article *does not exceed 480,000 pesos but is over 16,000 pesos*.

7. The penalty of prision correccional in its minimum and medium periods, if the damage caused in the case mentioned paragraph (b) subdivision 3 of this article *does not exceed 16,000 pesos*.

8. The penalty of arresto mayor and a fine ranging from fifty to one hundred per centum if the damage caused shall be imposed, when the property burned consists of grain fields, pasture lands, forests, or plantations when the *value of such property does not exceed 16,000 pesos*.”

SECTION. 2. *Repealing Clause.* – 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 3. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,