

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5769



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 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The outdated monetary values incorporated in the RPC are vividly exhibited in Art. 328 of said law wherein the value of properties used as basis of corresponding penalties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 328. rounded off to the nearest thousand:

“Art. 328. *Special cases of malicious mischief.* — Any person who shall cause damage to obstruct the performance of public functions, or using any poisonous or corrosive substance; or spreading any infection or contagion among cattle; or who cause damage to the property of the National Museum or National Library, or to any archive or registry, waterworks, road, promenade, or any other thing used in common by the public, shall be punished:

1. By prision correccional in its minimum and medium periods, if *the value of the damage caused exceeds 80,000 pesos;*
2. By arresto mayor, if such value does not exceed the abovementioned amount but *it is over 16,000 pesos;* and
3. By arresto menor, in such value *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

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**AN ACT AMMENDING ARTICLE 328 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 328 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to read as follows:

“Art. 328. *Special cases of malicious mischief.* — Any person who shall cause damage to obstruct the performance of public functions, or using any poisonous or corrosive substance; or spreading any infection or contagion among cattle; or who cause damage to the property of the National Museum or National Library, or to any archive or registry, waterworks, road, promenade, or any other thing used in common by the public, shall be punished:

1. By prision correccional in its minimum and medium periods, if *the value of the damage caused exceeds 80,000 pesos*;
2. By arresto mayor, if such value does not exceed the abovementioned amount but *it is over 16,000 pesos*; and
3. By arresto menor, in such value *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,