

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Third Regular Session



COMMITTEE REPORT NO. 2350

16 AUG 2012

Submitted by the Committee on Revision of Laws on _____
Re: House Bill No. 6482

Recommending its approval in substitution to House Bill Nos. 251 and 2399

Sponsors: Representatives Marlyn L. Primicias-Agabas, Juan Edgardo M. Angara, Ma. Amelita A. Calimbas-Villarosa and Romeo M. Acop

Mr. Speaker:

The Committee on Revision of Laws to which were referred House Bill No. 251, introduced by Rep. Juan Edgardo M. Angara and Ma. Amelita A. Calimbas-Villarosa, entitled:

"AN ACT PRESCRIBING STRICTER PENALTY ON THE CRIME OF DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS, AMENDING FOR THE PURPOSE ARTICLES 156, 223 AND 224 OF REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES "

and House Bill No. 2399, introduced by Rep. Romeo M. Acop, entitled:

"AN ACT AMENDING SECTION 223 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE"

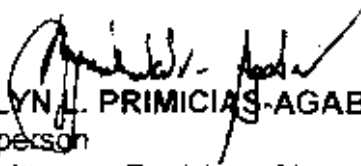
has considered the same and recommends that the attached House Bill No. **6482** entitled:

"AN ACT PRESCRIBING STRICTER PENALTIES ON THE CRIME OF DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS, AMENDING FOR THE PURPOSE ARTICLES 156, 223 AND 224 OF ACT NO. 3815, AS AMENDED,

**OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR
OTHER PURPOSES"**

be approved in substitution of House Bill Nos. 251 and 2399 with Reps. Juan Edgardo M. Angara, Ma. Amelita A. Calimbas-Villarosa, Romeo M. Acop and Marlyn L. Primicias-Agabas as authors thereof.

Respectfully submitted,


MARLYN L. PRIMICIAS-AGABAS
Chairperson
Committee on Revision of Laws

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Third Regular Session

HOUSE BILL NO. 6482
In substitution of House Bill Nos. 251 and 2399

Introduced by Representatives Juan Edgardo Angara, Ma. Amelita A. Calimbas-Villarosa,
Romeo M. Acop, and Marilyn L. Primicias-Agabas

AN ACT

PRESCRIBING STRICTER PENALTIES ON THE CRIME OF DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS AMENDING FOR THE PURPOSE ARTICLES 156, 223 AND 224 OF REPUBLIC ACT NO. 3815 AS AMENDED OTHERWISE KNOWN AS THE REVISED PENAL CODE OF THE PHILIPPINES.

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

SECTION 1. Article 156, Chapter 5, Title 3, Book Two of Republic Act 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 156. Delivering Prisoners from Jail - The penalty of [arresto mayor] PRISION MAYOR in its MEDIUM AND maximum periods [to prison correctional in its minimum period] OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER IN ITS MEDIUM AND MAXIMUM PERIODS shall be imposed upon any person who shall remove from any jail or penal establishment any person confined therein or shall help the escape of such person, by means of violence, intimidation or bribery[.], WHICHEVER IS HIGHER. If other means are used the penalty of [arresto] PRISION mayor IN ITS MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER THAN THAT IMPOSED TO THE PRISONER IN ITS MEDIUM PERIOD shall be imposed [.]WHICHEVER IS HIGHER.

If the escape of the prisoner shall take place outside of said establishments by taking the guards by surprise, the same penalties

1 PRESCRIBED IN THE IMMEDIATELY PRECEDING PARAGRAPH shall be
2 imposed in their minimum periods."

3
4 **SEC. 2.** Article 223, Section One, Chapter Five, Title Seven, Book Two of Republic
5 Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby
6 amended to read as follows:

7
8 **ART. 223.** *Conniving with or consenting to evasion.* - Any public officer
9 who shall consent to the escape of a CONVICT OR DETENTION prisoner in his
10 custody or charge, OR WHO SHALL RELEASE SUCH CONVICT OR
11 DETENTION PRISONER AND ALLOW HIM TO RETURN TO PRISON OR
12 DETENTION WITHOUT ANY PROPER COURT ORDER OR AUTHORIZATION
13 shall be punished:

14
15 (1.) *By prision [correcional] MAYOR* in its medium and maximum
16 periods OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT
17 IMPOSED ON THE PRISONER, IN ITS MEDIUM AND MAXIMUM
18 PERIODS, WHICHEVER IS HIGHER and [temporary special
19 disqualification in its maximum period to perpetual special] PERPETUAL
20 ABSOLUTE disqualification, if the fugitive shall have been sentenced by
21 final judgment to any penalty.

22
23 (2.) *By prision [correctional] MAYOR* in its minimum period OR THE
24 PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY
25 ~~BASED ON THE CRIME IMPUTED UPON THE PRISONER,~~ IN ITS
26 MAXIMUM PERIOD, WHICHEVER IS HIGHER and [temporary special]
27 PERPETUAL ABSOLUTE disqualification, in case the fugitive shall not
28 have been finally convicted but only held as a detention prisoner for any
29 crime or violation of law or municipal ordinance.

30
31 (3.) BY RECLUSION PERPETUA AND PERMANENT ABSOLUTE
32 DISQUALIFICATION, IF THE FUGITIVE WHO IS HELD AS A
33 DETENTION PRISONER HAS BEEN CHARGED FOR ANY CRIME
34 PENALIZED BY RECLUSION PERPETUA TO DEATH.

35

1
2 **SEC. 3.** Article 224 Section One, Chapter Five, Title Seven, Book Two of Republic
3 Act No. 3815 as amended, otherwise known as the Revised Penal Code, is hereby
4 amended to read as follows:

5
6 "ART. 224. *Evasion through negligence.* - If the evasion of the CONVICT
7 OR DETENTION prisoner shall have taken place through the negligence of the
8 officer charged with the conveyance or custody of the escaping prisoner said
9 officer shall suffer the penalties of [*arresto mayor* if its maximum period to
10 *prision correccional* in its minimum period] **PRISION CORRECCIONAL IN ITS**
11 **MEDIUM AND MAXIMUM PERIODS OR THE PENALTY EQUIVALENT TO**
12 **THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME**
13 **IMPUTED UPON THE CONVICT OR DETENTION PRISONER IN ITS**
14 **MAXIMUM PERIOD, WHICHEVER IS HIGHER** and [temporary special]
15 **PERPETUAL ABSOLUTE** disqualification."

16
17 **SEC. 4.** Repealing Clause. - All laws, executive order or administrative orders, rules
18 and regulations or parts thereof, which are inconsistent with this Act, are hereby amended,
19 repealed or modified accordingly.

20
21 **SEC. 5.** Effectivity Clause. - This Act shall take effect after fifteen (15) days following
22 its publication in the Official Gazette or in any newspaper of general circulation.

23
24 *Approved,*

FACT SHEET

on House Bill No. 6482

(In substitution of HB Nos. 251 and 2399)

PRESCRIBING STRICTER PENALTIES ON THE CRIME OF DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS

Introduced by: Reps. Juan Edgardo Angara, Ma. Amelita M.
Calimbas-Villarosa and Romeo M. Acop

Committee Referral : Committee on Revision of Laws
Committee Chairperson: Hon. Marlyn L. Primicias-Agabas

OBJECTIVE:

- To increase the penalty on persons in charge of custody of prisoners for their negligence, connivance with or consent to jail escape

KEY PROVISIONS :

- Provides a stiffer penalty on the crime of delivering prisoners from jail (Art. 156 RPC) - increase from the penalty of **arresto mayor** (one (1) day to thirty (30) days) to **prision mayor** (six (6) years and one (1) day to twelve (12) years)
- Provides a stricter penalty on the crime of infidelity in the custody of prisoners (Art. 223 RPC) - increase from the penalty of **prision correccional** (six (6) months and one (1) day to six (6) years) to **prision mayor** (six (6) years and one (1) day to twelve (12) years) to **reclusion temporal** (twelve (12) years and one (1) day to twenty (20) years)
- Provides a higher penalty on the crime of evasion through negligence (Art. 224 RPC) - increase from **arresto mayor** (six (6) years and one (1) day to twelve (12) years) to **prision correccional** (six (6) months and one (1) day to six (6) years)
- Covers in the crime on infidelity in the custody of prisoners the escape from jail of both convict and detention prisoners

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

68017 251
H. B. No. _____

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

It is the policy of the State in the line with the principle that a public office is a public trust, that the Public Officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.

As reported, about 148 murderers and robbers remain at large after escaping from jail. The failure to recapture these escaped prisoners poses serious threats to the public and bolsters demands for the improvement of the country's penology system. Certainly, our Public Officials and employees fail to exercise utmost devotion and dedication to their duties, and worst, for personal interest or for consideration, thus, giving a general perception that they are fountain and source of undue patronage.

This bill, therefore, seeks to increase the penalties on our Public Officials and employees in charge of custody of prisoners for their negligence, connivance with or consent to jail escape.

Approval of this bill is strongly urged.


JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

H. B. No. 251

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT

PRESCRIBING STRICTER PENALTIES ON THE CRIME OF DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS, AMENDING FOR THE PURPOSE ARTICLES 156, 223 AND 224 OF REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

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

SECTION 1. Article 156, Chapter 5, Title 3, Book Two of Republic Act 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 156. Delivering prisoners from jail. - The penalty of [arresto mayor] **PRISION MAYOR** in its **MEDIUM AND** maximum periods [to prision correctional in its minimum period] **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER IN ITS MEDIUM AND MAXIMUM PERIODS** shall be imposed upon any person who shall remove from any jail or penal establishment any person confined therein or shall help the escape of such person, by means of violence, intimidation or bribery, **WHICHEVER IS HIGHER.** If other means are used, the penalty of [arresto] **PRISION mayor IN ITS MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER THAN THAT IMPOSED TO THE PRISONER IN ITS MEDIUM PERIOD** shall be imposed **[.]WHICHEVER IS HIGHER.**

If the escape of the prisoner shall take place outside of said establishments by taking the guards by surprise, the same penalties **PRESCRIBED IN THE IMMEDIATELY PRECEDING PARAGRAPH** shall be imposed in their minimum periods."

SEC. 2. Article 223, Section One, Chapter Five, Title Seven, Book Two of Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 223. Conniving with or consenting to evasion. - Any public officer who shall consent to the escape of a **CONVICT OR DETENTION** prisoner in his custody or charge, **OR WHO SHALL RELEASE SUCH CONVICT OR DETENTION PRISONER AND ALLOW HIM TO RETURN TO PRISON OR**

DETENTION WITHOUT ANY PROPER COURT ORDER OR AUTHORIZATION shall be punished:

- (1) By *prision [correccional]* **MAYOR** in its medium and maximum periods **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER, IN ITS MEDIUM AND MAXIMUM PERIODS, WHICHEVER IS HIGHER** and [temporary special disqualification in its maximum period to perpetual special] **PERPETUAL ABSOLUTE** disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.
- (2) By *prision [correctional]* **MAYOR** in its minimum period **OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE PRISONER, IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER** and [temporary special] **PERPETUAL ABSOLUTE** disqualification, in case the fugitive shall not have been finally convicted but only held as a detention prisoner for any crime or violation of law or municipal ordinance."

SEC. 3. Article 224, Section One, Chapter Five, Title Seven, Book Two of Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"ART. 224. Evasion through negligence. - If the evasion of the **CONVICT OR DETENTION** prisoner shall have taken place through the negligence of the officer charged with the conveyance or custody of the escaping prisoner, said officer shall suffer the penalties of [*arresto mayor* in its maximum period to *prision correccional* in its minimum period] **PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE CONVICT OR DETENTION PRISONER IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER** and temporary [special] **ABSOLUTE** disqualification.

FOR PURPOSES OF THIS ARTICLE, THE PUBLIC OFFICER CHARGED WITH THE CUSTODY OR CONVEYANCE OF THE CONVICT OR DETENTION PRISONER IS PRIMA FACIE PRESUMED TO HAVE CONSENTED OR CONNIVED TO THE EVASION."

SEC. 4. All laws, presidential decrees, executive orders, issuances, and rules and regulations, and part thereof, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,

to be 1502

Republic of the Philippines
House of Representatives
Quezon City

Fifteenth Congress

First Regular Session

House Bill No. **2399**

Introduced by the Honorable **ROMEO M. ACOP**

EXPLANATORY NOTE

The many incidences of prisoners escaping the supposed custody of law enforcement officials is a glaring example of how ineptitude and alleged monetary incentives can combine into a potent force which will result into freedom for detained prisoners facing justice.

As a disincentive therefore, a high penalty must be imposed on those jail guards and other persons who permit a detained prisoner to escape the clutches of the law. This will hopefully deter those who are charged with the custody of detained prisoners, specially the high profile ones, from allowing their charges to escape.

It is therefore earnestly requested that this measure be approved.


ROMEO M. ACOP

Republic of the Philippines
House of Representatives
Quezon City

Fifteenth Congress

First Regular Session

House Bill No. **2399**

Introduced by the Honorable **ROMEO M. ACOP**

AN ACT
AMENDING SECTION 223 OF ACT NO. 3815, OTHERWISE
KNOWN AS THE REVISED PENAL CODE

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

SECTION 1. Article 223 of Act No. 3815, otherwise known as the Revised Penal Code is further amended to read as follows:

*Art. 223. *Conniving with or consenting to evasion.* - Any public officer who shall, BY CONSENT, CONNIVANCE OR BY NEGLIGENCE, ALLOW the escape of a prisoner in his custody or charge, shall be punished:

1. By prison correccional in its medium and maximum periods and temporary special disqualification in its maximum period to perpetual special disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.
2. By prison correccional in its minimum period and temporary special disqualification, in case the fugitive shall not have been finally convicted but only held as a detention prisoner for any crime or violation of law or municipal ordinance.
3. BY RECLUSION PERPETUA AND PERMANENT ABSOLUTE DISQUALIFICATION, IF THE FUGITIVE WHO IS HELD AS A DETENTION PRISONER HAS BEEN CHARGED FOR ANY CRIME PENALIZED BY RECLUSION PERPETUA TO DEATH."

4. IN ALL CASES, PUBLIC OFFICER OR OFFICERS INVOLVED
SHALL LOSE ALL BENEFITS DUE OR GRANTED BY THE GOVERNMENT.

SECTION. 2. This Act shall take effect fifteen [15] days after its complete
publication in the OFFICIAL GAZETTE.

Approved,