

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



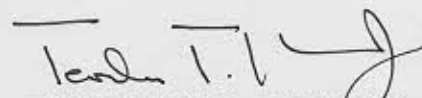
HOUSE OF REPRESENTATIVES
H. No. 2324

Introduced by **Representative Teodorico T. Haresco Jr.**

EXPLANATORY NOTE

The Constitution under Article XVI, Section 9 provides that the State shall protect consumers from trade malpractices and from substandard or hazardous products. It further states in Article XIV, Section 13 that the State shall protect and serve the exclusive rights of scientists, inventors, artists, and other gifted citizens to their intellectual property and creations, particularly when beneficial to the people, for such period as may be provided by law.

The government's effort to stop piracy has become an exercise in futility. The propagation of pirated compact discs and counterfeit of bags and apparels to mention a few has become unimaginable that there is a need to make the penalties for the infringement of these articles more stringent so as to deter such unscrupulous activities. This bill therefore, aims to ensure that the exclusive rights of scientists, inventors, artists and other gifted citizens are shielded from illegal reproduction of their works.


TEODORICO T. HARESCO JR.
Representative

SIXTEENTH CONGRESS OF THE)
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HOUSE OF REPRESENTATIVES

H. No. **2324**

Introduced by **Representative Teodorico T. Haresco Jr.**

**AN ACT AMENDING SECTION 217.1 OF
REPUBLIC ACT NO. 8293, INTELLECTUAL PROPERTY CODE OF THE
PHILIPPINES**

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

SECTION 1. Purpose. – The purpose of this Act is to strengthen the provisions on Republic Act No. 8293 as regards infringement so as to deter the production and manufacture of counterfeit articles such as but not limited to compact discs, bags and apparels.

SECTION 2. Section 217.1 of Republic Act No. 8293 is hereby amended to increase the criminal penalties for Republic Act No. 8293infringement. The new section shall read as follows:

“Section 217.1. Any person infringing any right secured by provisions of Part Republic Act No. 8293 IV of this Act or aiding or abetting such infringement shall be guilty of a crime punishable by:

(a) Imprisonment of one (1) year to four (4) years plus a fine ranging from one hundred thousand pesos (P100,000) to five hundred thousand pesos (P500,000) for the first offense;

(b) Imprisonment of four (4) years and one(1) day to eight (8) years plus a fine ranging from five hundred thousand pesos (P500,000) to one million pesos (P1,000,000) for the second offense.

(c) Imprisonment of eight (8) years and one(1) day to twelve (12) years plus a fine ranging from one million pesos (P1,000,000) to two million pesos (P2,000,000) for the third and subsequent offenses.

(d) In all cases, subsidiary imprisonment in cases of insolvency.

SECTION 3. *Repealing Clause.* – All laws or parts of any law, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. *Separability Clause.* – If any provision or part of this Act is held invalid, the other provisions not affected thereby shall continue in operation.

SECTION 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in the two (2) national newspapers of general circulation.

Approved.