

HOUSE OF REPRESENTATIVES

House Bill No. **2992**



Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

Incriminary machinations are defined in Act No. 3815, otherwise known as the 'Revised Penal Code of the Philippines (RPC)', as two distinct offenses under Articles 363 and 364 of the said Code.

The first specie, denominated as 'incriminating an innocent person' under Article 363, refers to acts, not constituting perjury, of directly imputing to an innocent person the commission of a crime and tending to cause the false prosecution of the person. Article 363 does not, however, contemplate the idea of malicious prosecution – someone prosecuting or instigating a criminal charge in court. It refers to the acts of planting evidence and the like, which do not in themselves constitute false prosecution but tend directly to cause false prosecutions (*Campanano vs. Datuin*, G.R. 172142, 2007).

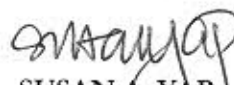
On the other hand, 'intriguing against honor' under Article 364 of the Penal Code refers to any scheme or plot designed to blemish the reputation of a person by means of some trickery. The accused does not avail directly of spoken or written words, pictures or caricatures, but of some ingenious, crafty or secret plot.

Incriminary machination, whether by the simple deed of spreading intrigue against a person, or the more serious act of implicating someone in a crime that he has not committed, tarnish the person's character and may eventually ruin a person's life, including his family's. The potential, actual and future damage to the victim is irreparable and can cause overwhelming emotional and psychological depression. Unfortunately, the penalties for the offenses under the Revised Penal Code, antiquated and unchanged for decades, hardly commensurate to the damage caused to the victims.

This bill seeks to increase the penalties for incriminary machinations under Articles 363 and 364 of the Revised Penal Code to further deter the commission of the offenses. For incriminating innocent an person, the penalty of imprisonment shall be from arresto mayor to prision mayor in its minimum period, or from a period of one (1) month and one day to six (6) months, to six (6) years and one day to twelve (12) years. Interestingly, the current law does not provide for a fine for this particular offense.

For the offense of intriguing against honor, the penalty of imprisonment shall be increased from arresto menor to prision correccional, or from a period of 1 to 30 days to six (6) months and one day to six (6) years. The existing provision (Article 364) carries a fine of two hundred pesos (Php 200.00), considerably miniscule a price one has to pay for destroying other people's reputation. This amount is still based on 1930 prices, the year the Revised Penal Code was enacted. The massive inflation and devaluation our currency has gone through render the punitive fine component of the current law negligible. This measure proposes to increase the fine from two hundred pesos to fifty thousand pesos (Php 50,000.00), still a conservative amount but much attuned to the economic realities of the time.

In view of the foregoing, passage of the bill is earnestly sought.


SUSAN A. YAP

Representative, Second District of Tarlac

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

HOUSE OF REPRESENTATIVES

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Introduced by Representative Susan A. Yap

**AN ACT AMENDING ARTICLES 363 AND 364 OF ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE**

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

1 **SECTION 1.** Article 363 of Act no. 3815, as amended, otherwise known as the Revised
2 Penal code, is hereby amended to read as follows:
3

4 **“Art. 363.** Incriminating innocent persons.-Any person who, by any act not
5 constituting perjury, shall directly incriminate or impute to an innocent person the
6 commission of a crime, shall be punished by (arresto mayor) **PRISON MAYOR IN**
7 **IT’S MINIMUM PERIOD”**

8 **SECTION 2.** Article 364 of the same Act , is likewise hereby further amended to
9 read as follows;

10 **“Art. 364.** Intriguing against Honor,- The penalty of (arresto menor) **PRISON**
11 **CORRECCIONAL IN ITS MINIMUM PERIOD OR A FINE NOT**
12 **EXCEEDING (200) 50,000 pesos** shall be imposed for any intrigue which has for
13 it’s principal purpose to blemish the honor or reputation of a person”

14 **SECTION 3. Separability Clause-** If any provision of this Act is declared invalid,
15 the remainder of this act or any provision not affected thereby shall remain in force and
16 effect.

17 **SECTION 4. Repealing Clause-** All laws, Presidential decrees, executive orders
18 and their implementing rules, inconsistent with the provisions of this act are hereby repealed,
19 amended or modified accordingly.

20 **SECTION 5. Effectivity-** This Act shall take effect fifteen (15) days after it’s
21 publication in at least two (2) newspapers of general circulation.

22 Approved,