

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3571



Introduced by Representative **MARLYN 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.

EXPLANATORY NOTE

Public office is a public trust. It is paramount for public officials to dispose of their duties with utmost responsibility, integrity, competence and loyalty. As servants officers must uphold patriotism and justice.

It is with great concern that convicted criminals and those who were detained in our jails had escape from our prisons because public officials charge to prevent escape failed to exercise utmost diligence and dedication in the exercise of their duties and obligations. Worst it is a known fact that some of these escapes had been perpetuated for personal interest or for consideration, thus, it is now perceive that most of this escapes were done out of patronage.

This bill, therefore, seeks to increase the penalties to our public officials and employees in charge of custody of prisoners for their negligence, connivance with or without consent to jail escape.

In view, thereof passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Marlyn L. Primicias-Agabas", with a checkmark at the end.

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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 20 PARAGRAPH** shall be imposed in their minimum periods."

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

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

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

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

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

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

1 to read as follows:

2
3 "ART. 224. *Evasion through negligence.* - If the evasion of the **CONVICT**
4 **OR DETENTION** prisoner shall have taken place through the negligence of the
5 officer charged with the conveyance or custody of the escaping prisoner? said
6 officer shall suffer the penalties of [*arresto mayor* if its maximum period to
7 *prision correccional* in its minimum period] **PRISION CORRECCIONAL IN ITS**
8 **MEDIUM AND MAXIMUM PERIODS OR THE PENALTY EQUIVALENT TO**
9 **THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME**
10 **IMPUTED UPON THE CONVICT OR DETENTION PRISONER IN ITS**
11 **MAXIMUM PERIOD, WHICHEVER IS HIGHER** and temporary [special]
12 **ABSOLUTE** disqualification."

13
14 **SEC. 5.** Repealing Clause. - All laws, executive order or administrative orders, rules and
15 regulations or parts thereof, which are inconsistent with this Act, are hereby amended,
16 repealed or modified accordingly.

17
18 **SEC. 6.** Effectivity. - This Act shall take effect after fifteen (15) days following its
19 publication in the Official Gazette or in any newspaper of general circulation.

20
21 *Approved,*