

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SIXTEENTH (16<sup>th</sup>) CONGRESS  
First Regular Session

House Bill No. **4476**



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**Introduced by: HON. AMADO S. BAGATSING**

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**Explanatory Note**

An article where the Supreme Court decided a case said:

"The court should give Congress a chance to perform its primordial duty of lawmaking. The court should not pre-empt Congress and usurp its inherent powers of making and enacting laws. While it may be the most expeditious approach, a shortcut by judicial fiat is a dangerous proposition, lest the court dare trespass on prohibited judicial legislation" (PDI, May 8, 2014, pp. A6)

This bill therefore seeks to amend Art. 217 of the RPC, where the amount involved exceeds 22,000 pesos, and the penalty of which shall be reclusion temporal in its maximum period to reclusion perpetua.

The said provision of law was enacted by Congress in 1932 and was amended by Republic Act No. 1060 approved on June 12, 1954. Since that time, our economy has been negatively affected considering that the amount provided under Art. 217 of the RPC no longer corresponds to the penalties which are reclusion temporal in its maximum period to reclusion perpetua. Reclusion Perpetua, being a capital punishment under Section 13 of Article 3 of our constitution therefore makes the crime non-bailable; thus, it was not the intention of the law nor the Constitution.

The Congress should now move for this amendment. No less than the majority of the Supreme Court said that "it should be left to the legislature to make revision in the RPC and adapt it to modern times."

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

  
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AN ACT  
AMENDING ART. 217 OF THE REVISED PENAL CODE,

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

**Section 1.** Article 217 of the Revised Penal Code as amended, is hereby further amended as follows:

“Article 217. **Malversation of public funds or property- Presumption of malversation.** — Any public officer who, by reason of the duties of his office, is accountable for public funds or property, shall appropriate the same or shall take or misappropriate or shall consent, through abandonment or negligence, shall permit any other person to take such public funds, or property, wholly or partially, or shall otherwise be guilty of the misappropriation or malversation of such funds or property, shall suffer:

1. The penalty of prision correccional in its medium and maximum periods, if the amount involved in the misappropriation or malversation does not exceed [two hundred] **TWENTY THOUSAND pesos.**
2. The penalty of prision mayor in its minimum and medium periods, if the amount involved is more than [two hundred] **TWENTY THOUSAND pesos** but does not exceed [six thousand] **SIX HUNDRED THOUSAND pesos.**
3. The penalty of prision mayor in its maximum period to reclusion temporal in its minimum period, if the amount involved is more than [six thousand] **SIX HUNDRED THOUSAND pesos** but is less than [twelve thousand] **ONE MILLION TWO HUNDRED THOUSAND pesos.**
4. The penalty of reclusion temporal, in its medium and maximum periods, if the amount involved is more than [twelve thousand] **ONE MILLION TWO HUNDRED THOUSAND pesos** but is less than [twenty two thousand] **TWO MILLION TWO HUNDRED THOUSAND pesos.** If the amount exceeds the

latter, the penalty shall be reclusion temporal in its maximum period to reclusion Perpetua.

In all cases, persons guilty of malversation shall also suffer the penalty of perpetual special disqualification and a fine equal to the amount of the funds malversed or equal to the total value of the property embezzled.

The failure of a public officer to have duly forthcoming any public funds or property with which he is chargeable, upon demand by any duly authorized officer, shall be prima facie evidence that he has put such missing funds or property to personal use. (As amended by Rep. Act No. 1060, approved June 12, 1954.)"

**Section 2.** All laws, decrees, orders, rules and regulations which are inconsistent with this Act are hereby amended or repealed accordingly.

**Section 3.** This Act shall take effect upon its approval.

**Approved,**