

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
Second Regular Session
HOUSE BILL NO. 8542



Introduced by Representative Julianne “Jam” L. Baronda

**AN ACT
INCREASING THE PENALTIES UNDER ARTICLE 217 OF THE REVISED
PENAL CODE, AMENDING FOR THAT PURPOSE ACT NO. 3815, AS
AMENDED**

EXPLANATORY NOTE

President Rodrigo Roa Duterte in his meeting with the legislators on 16 September 2020 asked Congress to look into measures that would address rampant graft and corruption in the country, including increasing penalties imposed for malversation of public funds.

The increase of the penalties for malversation of public funds would operationalize the Constitutional provision that “Public office is a public trust” and “Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives.”¹

This measure seeks to upgrade the penalties for malversation by moving up the periods of the divisible penalties provided in article 217 of the Revised Penal Code: from *prision mayor* in its minimum to medium periods to *prision mayor* in its medium and maximum periods. It will also make the penalty of *reclusion perpetua* imposable to a lower amount: from PhP 8,800,000.00 to PhP 4,400,000.00.

Passage of this bill is earnestly sought.


JULIENNE “JAM” L. BARONDA
Lone District of Iloilo City

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

SECTION 1. Article 217 of Act No. 3815, otherwise known as “The Revised Penal Code,” as amended by Republic Act Nos. 1060 and 10951, is hereby further amended to read as follows:

ART. 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 TO *PRISION MAYOR* IN ITS MINIMUM PERIOD, if the amount involved in the misappropriation or malversation does not exceed Forty thousand pesos (P40,000).
2. The penalty of *prision mayor* in its ~~minimum and medium~~ AND MAXIMUM periods, if the amount involved is more than Forty thousand pesos (P40,000) but does not exceed One million two hundred thousand pesos (P1,200,000).

3. The penalty of ~~prision mayor in its maximum period to~~ *reclusion temporal* in its minimum TO MEDIUM periods, if the amount involved is more than One million two hundred thousand pesos (P1,200,000) but does not exceed Two million four hundred thousand pesos (P2,400,000).
4. The penalty of *reclusion temporal*, in its ~~medium and~~ maximum periods, if the amount involved is more than Two million four hundred thousand pesos (P2,400,000) but does not exceed Four million four hundred thousand pesos (P4,400,000).
5. The penalty of ~~reclusion temporal in its maximum period~~ *RECLUSION PERPETUA*, if the amount involved is more than Four million four hundred thousand pesos (P4,400,000). ~~but does not exceed Eight million eight hundred thousand pesos (P8,800,000). If the amount exceeds the latter, the penalty shall be 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 uses.

SEC. 2. *Separability Clause.* – Should any provision of this Act be declared invalid, the remaining provisions shall continue to be valid and subsisting.

SEC. 3. *Repealing Clause.* – All laws, executive orders, or administrative orders, rules and regulations or parts thereof, which are inconsistent with this Act are hereby amended or modified accordingly.

SEC. 4. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,