

Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3518



Introduced by HONORABLE ROMEO M. ACOP

EXPLANATORY NOTE

With a prison population total of more than 165,000, the Philippines ranks as sixth in Asia¹ and eleventh in the entire world² as the country with the greatest number of incarcerated individuals. Relevant to the discussion as regards the growing number of prisoners going in jail each year is the issue of prisoners going out of jail by means of escaping.

Act No. 3815, as amended, otherwise known as the Revised Penal Code (RPC) provides penalties for the crimes of delivering prisoners from jail (Article 156), conniving with or consenting to evasion (Article 223), and evasion through negligence (Article 224). Regrettably, however, the existing penalties prescribed there for are inadequate and ineffectual to be considered a deterrent.

It is high time that stringent measures be taken against law officers entrusted with the custody and detention of prisoners, whether detention prisoners or prisoners serving sentence. As aptly quoted by the Supreme Court in the 1988 case of *Bondoc v. Sandiganbayan*,³ "(l)axity and negligence in the performance of their duties resulting in the mysterious escapes of notorious criminals have become common news items, involving as it does the suspicion that monetary considerations may have entered into the arrangements which led to the successful escape of such notorious criminals [...] No quarters should be extended to such kind of law officers who, deliberately or otherwise, fail to live up to the standard required of their duties, thus directly contributing not only to the clogging of judicial dockets but also to the inevitable deterioration of peace and order."

It bears emphasis that the foregoing statement, which was considered relevant and timely then, remains to be so, more than three decades later.

Hence, this measure seeks to amend the pertinent provisions of the RPC

¹ World Prison Brief. Highest to Lowest - Prison Population Total (Per Region). Available at: https://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=16.

² World Prison Brief. Highest to Lowest - Prison Population Total (Entire World). Available at: https://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All.

³ Alfredo Rodillas Bondoc v. The Honorable Sandiganbayan, *et al.*, G.R. No. L-58652, 20 May 1988.

and impose higher penalties upon a public officer who shall: consent to the escape of the convict or detainee in his custody; release and allow the return to prison or detention of a convict or detainee without proper court order or authorization; or, when through the negligence of the officer charged with the conveyance or custody of the convict or detainee, the latter is able to evade detention. An increase in the penalty is likewise sought upon any person who shall remove from jail or penal establishment any person confined therein or shall help their escape by means of violence, intimidation or bribery.

This proposed legislation was previously filed in the 15th, 16th, 17th, and 18th Congress and was passed by the House of Representatives on Third Reading. In the first three instances, it was transmitted to the Senate for its concurrence but was never enacted into law due to lack of material time. In the last Congress, it was pending with the Committee on Revision of Laws.

This Representation now seeks to refile this measure in the hope that it will finally be enacted into a law in the current Congress as it is relevant to the government's bout against criminality in the country.

For the foregoing reasons, the immediate approval of this proposed measure is earnestly sought.


HON. ROMEO M. ACOP
Representative
2nd District, Antipolo City

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AN ACT

PRESCRIBING STIFFER PENALTIES FOR THE CRIMES OF DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE CUSTODY OF PRISONERS, AMENDING FOR THE PURPOSE ARTICLES 156, 223 AND 224 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE "REVISED PENAL CODE OF THE PHILIPPINES"

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

SECTION 1. Article 156, Chapter 5, Title Three, Book Two of Act No. 3815, as amended, otherwise known as the "Revised Penal Code of the Philippines," is hereby amended to read as follows:

"ARTICLE 156. *Delivering prisoners from jail.* - The penalty of [~~arresto mayor~~] **PRISION MAYOR** in its **MEDIUM AND** maximum periods [~~to prison-correccional 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 PARAGRAPH** shall be imposed in their minimum period.”

SECTION 2. Article 223, Section One, Chapter Five, Title Seven, Book Two of Act No. 3815, as amended, otherwise known as the “Revised Penal Code of the Philippines”, is hereby amended to read as follows:

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

1. By *prision [correccional]* **MAYOR** in its medium and maximum periods **OR THE PENALTY NEXT LOWER IN DEGREE THAN**

THAT IMPOSED ON THE PRISONER, IN ITS MEDIUM AND MAXIMUM PERIODS, WHICHEVER IS HIGHER and [~~temporary special disqualification in its maximum period to perpetual special~~] **PERPETUAL ABSOLUTE** disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.

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

3. BY RECLUSION PERPETUA AND PERPETUAL ABSOLUTE DISQUALIFICATION, IF THE FUGITIVE WHO IS HELD AS A DETENTION PRISONER OR CONVICT HAS BEEN CHARGED FOR OR CONVICTED OF ANY CRIME PENALIZED BY RECLUSION PERPETUA TO DEATH.”

SECTION 3. Article 224, Section One, Chapter Five, Title Seven, Book Two of Act No. 3815, as amended, otherwise known as the “Revised Penal Code of the Philippines”, is hereby amended to read as follows:

“ARTICLE 224.*Evasion through negligence.* - If the evasion of the **CONVICT OR DETENTION** prisoner shall have taken place through the negligence of the officer charged with the conveyance or custody of the escaping prisoner, said officer shall suffer the penalties of [~~arresto mayor in its maximum period to prison correccional in its minimum period~~] **PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE CONVICT OR DETENTION PRISONER IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER** and [temporary special] **ABSOLUTE** disqualification.”

SECTION 4. *Repealing Clause* — All laws, executive orders, administrative orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

SECTION 5. *Effectivity* — This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,